

# **STREETS AND HIGHWAYS CODE**

## **DIVISION 1. STATE HIGHWAYS**

### **CHAPTER 1. ADMINISTRATION**

#### **Article 4.9. Seismic Retrofit**

##### **§ 180.2. Seismic Projects**

The following projects under this article shall be considered to be activities under paragraph (4) of subdivision (b) of Section 21080 of the Public Resources Code:

- (a) The structural modification of an existing highway structure or toll bridge.
- (b) The replacement of a highway structure or toll bridge within, or immediately adjacent to, an existing right-of-way.

( Amended by Stats. 1997)

##### **§ 180.7. Director of Transportation Certification**

This article shall remain in effect only until the date the Director of Transportation certifies to the to the Secretary of Business, Transportation and Housing that all construction activities for the seismic retrofit or replacement of all state-owned toll bridges is complete, or June 30, 2005, whichever occurs first, and as of that date is repealed.

( Amended by Stats. 1997)

#### **Article 5. Funds for Highway Purposes**

##### **MAINTENANCE OF TOLL BRIDGES**

##### **§ 188.3. Toll Bridge Maintenance - Costs**

The cost of maintenance of all toll bridges under the jurisdiction of the commission shall be paid out of money in the State Highway Account, except that the commission shall fund the maintenance costs of each toll bridge from the same source used to fund that maintenance cost during the 1980-81 fiscal year.

(Amended by Stats. 1981)

##### **§ 188.4 Toll Bridge Maintenance Costs - Classification and Allocation**

(a) Maintenance expenditures on all toll facilities owned by the state shall, for accounting purposes be classified as Category A or Category B expenditures. Notwithstanding any other provision of law, the cost of maintenance of toll facilities shall be paid in accordance with the following:

(1) Category A maintenance shall be paid from the State Highway Account and shall include all normal highway maintenance which would be performed by the state according to state procedures as if the facility was a toll-free state facility.

(2) Category B maintenance shall be paid from toll revenues and shall include all maintenance and reconstruction work of those facilities such as toll facility administration buildings

and toll booths which are constructed primarily for the purpose of collecting tolls.

(b) This section does not prevent the commission from complying with the provisions of any bond resolution in effect on July 1, 1988.

(c) In no event shall the maintenance of toll bridges be funded at a lower percentage than was established in accordance with procedures for funding maintenance of the southern bridge unit during the 1986-87 fiscal year, which includes the Dumbarton, the San Mateo-Hayward, and the San Francisco-Oakland Bay Bridges.

(Added by Stats. 1988)

### **§ 188.5 Legislature Findings and Declaration**

(a) The Legislature finds and declares all of the following:

(1) The department has determined that in order to provide maximum safety for the traveling public and to ensure continuous and unimpeded operation of the state's transportation network, six state-owned toll bridges are in need of a seismic safety retrofit, and one state-owned toll bridge is in need of a partial retrofit and a partial replacement.

(2) The bridges identified by the department as needing seismic retrofit are the Benicia-Martinez Bridge, the Carquinez Bridge, the Richmond-San Rafael Bridge, the San Mateo-Hayward Bridge, the San Pedro-Terminal Island Bridge (also known as the Vincent Thomas Bridge), the San Diego-Coronado Bridge, and the west span of the San Francisco-Oakland Bay Bridge. The department has also identified the east span of the San Francisco-Oakland Bay Bridge as needing to be replaced. That replacement span will be safer, stronger, longer lasting, and more cost efficient to maintain than completing a seismic retrofit for the current east span.

(3) The south span of the Carquinez Bridge is to be replaced pursuant to Regional Measure 1, as described in subdivision (b) of Section 30917.

(4) The cost estimate to retrofit the state-owned toll bridges and to replace the east span of the San Francisco-Oakland Bay Bridge is two billion six hundred twenty million dollars (\$2,620,000,000), eighty million dollars (\$80,000,000) of which is for cable suspension pursuant to paragraph (1) of subdivision (b) of Section 31000, as follows:

(A) The Benicia-Martinez Bridge retrofit is one hundred one million dollars (\$101,000,000).

(B) The north span of the Carquinez retrofit is eighty-three million dollars (\$83,000,000).

(C) The Richmond-San Rafael Bridge retrofit is three hundred twenty-nine million dollars (\$329,000,000).

(D) The San Mateo-Hayward Bridge retrofit is one hundred twenty-seven million dollars (\$127,000,000).

(E) The San Pedro-Terminal Island Bridge retrofit is forty-five million dollars (\$45,000,000).

(F) The San Diego-Coronado Bridge retrofit is ninety-five million dollars (\$95,000,000).

(G) The west span of the San Francisco-Oakland Bay Bridge retrofit, as a lifeline bridge, is five hundred fifty-three million dollars (\$553,000,000).

(H) Replacement of the east span of the San Francisco-Oakland Bay Bridge is one billion two hundred eighty-five million dollars (\$1,285,000,000), which includes eighty million dollars (\$80,000,000) for cable suspension.

(b) It is the intent of the Legislature that the following amounts from the following funds shall be allocated through the 2004-05 fiscal year, for the seismic retrofit or replacement of state-owned toll bridges:

(1) Six hundred fifty million dollars (\$650,000,000) from the 1996 Seismic Retrofit Account in the Seismic Retrofit Bond Fund of 1996 for the seven state-owned toll bridges identified by

the department as requiring seismic safety retrofit or replacement.

(2) One hundred forty million dollars (\$140,000,000) in surplus revenues generated under the Seismic Retrofit Bond Act of 1996 that are in excess of the amount actually necessary to complete Phase Two of the state's seismic retrofit program. These excess funds shall be reallocated to assist in financing seismic retrofit of the state-owned toll bridges.

(3) Fifteen million dollars (\$15,000,000) from the Vincent Thomas Toll Bridge Revenue Account.

(4) Eight hundred twenty-seven million dollars (\$827,000,000) from the seismic retrofit surcharge imposed pursuant to Section 31010.

(5) Thirty-three million dollars (\$33,000,000) from the San Diego-Coronado Toll Bridge Revenue Fund.

(6) Not less than seven hundred forty-five million dollars (\$745,000,000) from the State Highway Account to be used toward the eight hundred seventy-five million dollars (\$875,000,000) state contribution, to be achieved as follows:

(A) (i) Two hundred million dollars (\$200,000,000) to be appropriated for the state-local transportation partnership program described in paragraph (7) of subdivision (d) of Section 164 for the 1998-99 fiscal year.

(ii) The remaining funds intended for that program and any program savings to be made available for toll bridge seismic retrofit.

(B) A reduction of not more than seventy-five million dollars (\$75,000,000) in the funding level specified in paragraph (4) of subdivision (d) of Section 164 for traffic system management.

(C) Three hundred million dollars (\$300,000,000) in accumulated savings by the department achieved from better efficiency and lower costs.

(7) Not more than one hundred thirty million dollars (\$130,000,000) from the Transit Capital Improvement Program funded by the Transportation Planning and Development Account in the State Transportation Fund to be used toward the eight hundred seventy-five million dollars (\$875,000,000) state contribution. If the contribution in subparagraph (A) of paragraph (6) exceeds three hundred seventy million dollars (\$370,000,000), it is the intent that the amount from the transit capital improvement program shall be reduced by an amount that is equal to that excess.

(8) The estimated cost of replacing the San Francisco-Oakland Bay Bridge listed in subparagraph (H) of paragraph (4) of subdivision (a) is based on the following assumptions:

(A) The new bridge will be located north adjacent to the existing bridge.

(B) The main span of the bridge will be in the form of a single tower cable suspension design.

(C) The roadway in each direction will consist of five lanes, each lane will be 12 feet wide, and there will be 10-foot shoulders as an emergency lane for public safety purposes on each side of the main-traveled way.

(c)(1) If the actual cost of retrofit or replacement, or both retrofit and replacement, of toll bridges is less than the cost estimate of two billion six hundred twenty million dollars (\$2,620,000,000), there shall be a proportional reduction in the amount provided in paragraphs (3), (4), and (5) of subdivision (b) equal to one-half of the difference between the cost estimate and the actual cost, and there shall be an equal reduction in the amount specified in paragraph (6) of subdivision (b).

(2) If the department determines that the actual cost of retrofit or replacement, or both retrofit and replacement, of toll bridges exceeds two billion six hundred twenty million dollars (\$2,620,000,000), which includes eighty million dollars (\$80,000,000) for cable suspension, the department shall report to the Legislature within 60 days from the date of that determination as to the reason for the increase in cost and shall propose a financial plan to pay for that increase and the Legislature shall thereafter adopt a financial plan therefor.

(d) Annually and upon completion of the seismic retrofit of the state-owned toll bridges, the department shall report to the Legislature and the Governor as to the amount of funds used for that purpose from each source specified in subdivision (b) and submit an updated cost estimate.

(e) Notwithstanding any other provision of law, the commission shall adopt fund estimates consistent with subdivision (b) and ~~reserve funds in the fund estimate~~ **provide flexibility so that state funds can be made available** to match federal funds for the congestion mitigation and air quality program and the surface transportation program **made available to regional transportation** planning agencies.

(Amended by Stats. 1998)

#### **§ 188.10. Seismic Retrofit Account**

The Toll Bridge Seismic Retrofit Account is hereby created in the State Transportation Fund. The money in the account is hereby appropriated, without regard to fiscal years, to the department for the purpose of funding seismic retrofit or replacement of the bridges listed in Section 188.5.

(Added by Stats. 1997)

#### **§ 188.14. Loan Transfer**

The department may transfer or loan, or both, funds between the Toll Bridge Seismic Retrofit Account in the State Transportation Fund and the State Highway Account for cash-flow purposes to accomplish individual toll bridge seismic requirements.

No funds may be transferred or loaned from the State Highway Account to fund any amenity, as defined by Section 31000, or to fund shortages that result from the expenditure of funds from the Toll Bridge Seismic Retrofit Account for amenities.

(Added and Amended by Stats. 1997)

### **DIVISION 16**

#### **HIGHWAY DISTRICTS**

(Added by Stats. 1943, c. 284, §1.)

Part

1. Joint Highway Districts. §25000
2. Boulevard Districts. §26000
3. Bridge and Highway Districts. §27000

#### **Part 3 Bridge and Highway Districts**

#### **§ 27564. Automatic Vehicle Identification Systems**

(a) Automatic vehicle identification systems when used for toll collection can speed up the flow of traffic at toll facilities and reduce collection costs.

(b) More than one system and technology is available.

(c) Currently, the department and the district operate toll bridges and other entities may soon operate toll roads or bridges.

(d) There are no permanent automatic vehicle identification systems for toll collection in the state at this time and none of the facilities have selected a system or technology for future implementation.

(e) It is in the best interest of vehicle owners and operators that the automatic vehicle identification systems and technology used by all toll facility operators are compatible with one another.

(f) Compatible automatic vehicle identification systems can be selected for statewide use without requiring the purchase and installation from a single vendor or producer.

(Added by Stats. 1990)

### **§ 27565. Automatic Vehicle Identification Specifications**

(a) The department, in cooperation with the district and all known entities planning to implement a toll facility in this state, shall develop and adopt functional specifications and standards for an automatic vehicle identification system, in compliance with all of the following objectives:

(1) In order to be detected, the driver shall not be required to reduce speed below the applicable speed for the type of facility being used.

(2) The vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities, but may be required to have a separate account or financial arrangement for the use of these facilities.

(3) The facility operators shall have the ability to select from different manufacturers and vendors. The specifications and standards shall encourage multiple bidders, and shall not have the effect of limiting the facility operators to choosing a system that is able to be supplied by one manufacturer or vendor.

(b) Except as provided in subdivision (c), any automatic vehicle identification system purchased or installed after January 1, 1991, shall comply with the specifications and standards adopted pursuant to subdivision (a).

(c) Subdivision (b) does not apply to an interim automatic vehicle identification system for which a contract is entered into between an entity planning to implement a toll facility and the supplier of the interim system prior to January 1, 1994, if both of the following requirements are met:

(1) The department has made a written determination that the installation and operation of the interim system will expedite the completion of the toll facility and its opening to public use.

(2) The entity planning to implement the toll facility has entered into an agreement with the department to install, within five years after any portion of the toll facility is opened for public use, an automatic vehicle identification system meeting the specifications and standards adopted pursuant to subdivision (a).

*(d) The automated vehicle identification system developed by the department pursuant to subdivision (a) shall be capable of identifying various types of vehicles, including, but not limited to, commercial vehicles.*

(Amended by Stats. 1998)

## **DIVISION 17**

### **TOLL BRIDGES, TOLL FERRIES, AND TOLL ROADS**

[Added by Stats. 1947, c. 176, §1.]

#### **Chapter**

1. The California Toll Bridge Authority Act. §§ 30000-30506
2. Particular Highway Crossing. §§ 30600-30798
3. Toll Bridges, Toll Roads, and Toll Ferries Generally. §§ 30800-30902
4. San Francisco Bay Area Bridges. §§ 30910-30921
- 4.3. Metropolitan Transportation Commission. §§ 30950-30963
- 4.5. Seismic Retrofit Surcharge. §§ 31000-31050

## **CHAPTER 1**

### **The California Toll Bridge Authority Act**

## **ARTICLE I**

### **General Provisions**

#### **§ 30000. Short Title**

This chapter may be cited as the California Toll Bridge Authority Act.

(Added by Stats. 1947)

#### **§ 30002. Construction of Chapter**

Unless the particular provision or the context otherwise requires, the general provisions set forth in this article govern the construction of this chapter.

(Added by Stats. 1947)

#### **§ 30003. “Commission”**

“Commission” means the California Transportation Commission.

(Amended by Stats. 1980)

#### **§ 30004. “Toll Bridge,” etc.**

“Toll bridge,” “bridge,” “subway,” “tunnel,” “tube,” and “highway crossing” include all appurtenances and additions, alterations or improvements thereto or replacements thereof, and the approaches to each end thereof, all lands and interest therein used therefor, and buildings and improvements thereon.

(Added by Stats. 1951)

#### **§ 30005. “Transportation Facilities”**

“Transportation facilities” means all facilities for the transportation of passengers and property to and over any toll bridge, tube or other highway crossing and the approaches to each end thereof, acquired or constructed, to be acquired or constructed, or in course of construction pursuant to this chapter. “Transportation facilities” includes terminals, stations, viaducts, rails, tracks, power stations, substations and equipment and power supply lines, storage yards, and the real property, easements, and rights of way upon which any of them are located or situated or which are necessary therefor, and equipment, signals and interlockers, cars and rolling stock, and franchises, rights, and privileges appurtenant thereto.

(Amended by Stats. 1951)

#### **§ 30006. “Additional Transportation Facilities”**

“Additional transportation facilities” means all facilities for the transportation of passengers and property connected or coordinated with or to be connected or coordinated with the transportation facilities of any toll bridge, tube or other toll highway crossing constructed or acquired, or to be constructed or acquired, or in the course of construction or acquisition pursuant to this chapter so as to provide a system of transportation for persons or property to and from that toll bridge or other toll

highway crossing and the areas within 50 miles from either end of that toll bridge or the toll highway crossing. "Additional transportation facilities" includes all of the personal and real properties, easements, rights of way, franchises, rights, and privileges which are included in "transportation facilities," without limitation to the use thereof for the transportation of passengers and property to and over any toll bridge or the toll highway crossing, to the extent that the use thereof in connection or coordination with the transportation facilities of any toll bridge or other toll highway crossing provides a system of transportation for persons or property to and from that toll bridge or other highway crossing and the area within 50 miles from either end of that toll bridge or other toll highway crossing.

(Amended by Stats. 1951)

#### **§ 30007. "Bond"**

"Bond" means any written evidence of indebtedness which the authority may issue pursuant to this chapter in order to secure funds with which to carry out the purposes of this chapter.

(Added by Stats. 1947)

#### **§ 30008. Appropriations in Aid**

Nothing in this chapter prevents the State from making appropriations from time to time in aid of the acquisition or construction pursuant to this chapter of any toll bridge, tube or other toll highway crossing, or property, franchises, or rights appurtenant thereto, or the transportation facilities thereof or thereto, or for the purpose of making preliminary surveys, plans, and estimates of the cost thereof, and meeting other preliminary expenses as the Legislature deems proper.

(Added by Stats. 1947)

## **ARTICLE 2**

### **California Transportation Commission**

#### **§ 30050. Authority Abolished; Functions Transferred**

(a) The California Toll Bridge Authority is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, the duties, powers, purposes, responsibilities, and jurisdiction of the California Toll Bridge Authority.

(b) Any reference in any law or regulation to the California Toll Bridge Authority shall be deemed to refer to the California Transportation Commission.

(c) The California Transportation Commission shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys, funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the California Toll Bridge Authority.

(Added by Stats. 1977)

## **ARTICLE 3**

### **General Powers and Duties of the Commission**

#### **§ 30100. Acquisition and Construction of Bridges, Tubes, etc.**

Whenever, in the opinion of the commission and of the department, it is necessary or desirable to do so, the commission shall authorize and direct the department to build or acquire for, and in the name of, the state any or all of the following:

(a) Toll bridges, tubes, or other toll highway crossings across water, bays, arms of bays, straits, rivers, and streams in California, both navigable and unnavigable, or across any stream that is a boundary line between California and any other state, or toll tunnels through mountains in California.

(b) Transportation facilities of any toll bridges or toll highway crossings constructed or acquired, or to be constructed or acquired, pursuant to this chapter.

(c) Additional transportation facilities connecting or coordinated with any such toll bridge or other highway crossing or the transportation facilities thereon.

The commission may authorize and direct the department to pay for any such construction or acquisition out of any funds provided or made available by this chapter. Whenever a project consists of a tube or tunnel which will accommodate traffic served by a privately owned ferry, the commission may acquire such ferry.

(Amended by Stats. 1980)

### **§ 30100.1. Financing of Ferry Facilities**

Notwithstanding any other provision of law, the commission may include, in any issue of revenue bonds, funds sufficient to finance the establishment of a ferry system as authorized by Section 30356, including the purchase or construction of ferry boats, wharves, docks, ferry slips, and other facilities necessary to the operation and maintenance of a ferry system. Upon determining that it is feasible to do so, the commission shall take all steps necessary to finance the establishment of ferry systems. Revenues derived from the operation of any ferry system shall be pledged as security for the payment of the bonds issued to finance the establishment of the system.

(Amended by Stats. 1980)

### **§ 30100.5. Construction of New San Francisco Bay Bridges**

Notwithstanding Section 30100 or any other provision of law, no bridge or other highway crossing shall be constructed across San Francisco Bay by the commission, the department, or the Golden Gate Bridge, Highway and Transportation District, except to replace bridges or highway crossings on a one-for-one basis.

(Amended by Stats. 1982)

### **§ 30101. Toll Rates, etc.**

Except as otherwise provided in section 30886, the commission shall fix the rates of toll and other charges for all toll bridges, tubes, or other toll highway crossings acquired or built pursuant to this chapter.

(Amended by Stats. 1980)

### **§ 30101.5. Exemption for Emergency Vehicles**

The commission may permit authorized emergency vehicles, as defined in Section 165 of the Vehicle Code, responding to or returning from mutual aid calls or other emergencies, and other



vehicles owned by any public agency when called upon to perform emergency work on the property of any toll bridge, tube, or other toll highway crossing, to cross toll bridges, tubes, or other toll highway crossings without paying a toll.

(Amended by Stats. 1980)

#### **§ 30101.6. California Highway Patrol - Toll Free Passage**

The commission shall grant toll-free passage on all toll bridges, tubes, and other toll highway crossings under its jurisdiction to members of the California Highway Patrol on duty.

Members of the California Highway Patrol, in all cases while on duty, are persons directly connected with the operation of toll bridges, tubes, and other toll highway crossing as such persons are designated in all of the bond resolutions adopted by the commission to authorize the issuance of bonds to finance the construction of toll structures.

(Amended by Stats. 1980)

#### **§ 30101.7. Military Funeral - Toll Free Passage**

(a) The commission shall grant toll free passage on all toll bridges, tubes, and other toll highway crossings under its jurisdiction to vehicles in a funeral procession of a person who died while on active duty with the armed services of the United States.

(b) The commission shall submit a claim for the loss in revenues resulting from subdivision (a) to the State Controller, who shall reimburse the commission in the amount submitted in the claim from funds appropriated by the Legislature to him for such purposes.

(c) The State Controller, in consultation with the commission, shall adopt such rules and regulations as are necessary to implement this section.

(Amended by Stats. 1980)

#### **§ 30101.8 Reduced Rates for High-Occupancy Vehicles**

(a) The commission may grant toll-free and reduced-rate passage on all toll bridges under its jurisdiction to class I vehicles occupied by three or more persons, including the driver, and to buses. For bridges within the area under the jurisdiction of the Metropolitan Transportation Commission, the commission shall exercise its authority in cooperation with the Metropolitan Transportation Commission as otherwise required by this division.

(b) Notwithstanding subdivision (a), tolls on the bridges shall be maintained at rates sufficient to meet any obligation to the holders of bonds secured by the bridge toll revenues, as set forth in any bond resolution in effect on January 1, 1991, or covenants contained in bonds issued pursuant to the bond resolution, and the commission shall revise or eliminate any toll-free or reduced-rate toll schedule adopted pursuant to subdivision (a) as necessary to ensure compliance with those obligations.

(c) If the commission grants toll-free and reduced-rate passage pursuant to subdivision (a), the commission shall also grant the same toll-free and reduced-rate passage to class I vehicles designed by the manufacture to be occupied by no more than two persons, including the driver, if these vehicles are occupied by two persons, including the driver.

(Amended by Stats. 1995)

#### **§ 30102. Factors Considered in Establishing Toll Rates**

Except as provided in section 30102.5, the commission, in establishing toll charges, shall give

consideration to the cost of operating and maintaining any particular toll bridge or other toll highway crossing, including the cost of insurance, the cost of operating and maintaining any ferry established and operated pursuant to Section 30356, and the amount required annually to meet the redemption of bonds and interest payments thereon. At all times, the tolls and charges shall be fixed at rates to yield annual revenue equal to the annual operating and maintenance expenses, including insurance costs, the cost of operating and maintaining any ferry established and operated pursuant to Section 30356, and all redemption payments and interest charges of the bonds issued for any particular toll bridge or other toll highway as they fall due.

(Amended by Stats. 1981)

#### **§ 30102.5. Factors to be Considered; Maintenance of Net Revenues**

(a) Notwithstanding any other provision of this chapter, on and after January 1, 1982, the commission, in establishing toll charges for any particular toll bridge within the area of jurisdiction of the Metropolitan Transportation Commission, shall give consideration to the cost of operating toll bridges or other toll highways, the tolls on which are pledged as security for bonds issued and outstanding. The cost of operating toll bridges and other toll highways includes the cost of insurance, and the amount required annually to meet the redemption of bonds issued and outstanding for which the tolls are pledged as security, and interest payments and interest charges of the bonds issued and outstanding as they fall due for any particular toll bridge or other toll highway. For the Richmond-San Rafael Bridge, costs may include amounts necessary to repay loans from the State Highway Account in the State Transportation Fund.

(b) In establishing toll charges for the toll bridges within the area of jurisdiction of the Metropolitan Transportation Commission, the commission shall also maintain net revenues to be used exclusively for transit capital improvements. The net revenues may not exceed the average financial commitments made toward transit capital improvements from toll revenues, as audited, during the 1977-78 and 1978-79 fiscal years, but may be adjusted annually according to the appropriate inflationary index adopted by the Metropolitan Transportation Commission.

(c) No new bonds may be issued that are secured by tolls of any particular toll bridge or toll highway within the area of jurisdiction of the Metropolitan Transportation Commission, except for those bonds necessary to finance the completion of the new Dumbarton Bridge and the payment by the Richmond-San Rafael Bridge of loans from the State Highway Account in the State Transportation Fund. Nothing in this section shall be construed to prohibit the issuance of refunding bonds when, in the exercise of its discretion, the commission determines that by so doing a net savings to the state in interest costs will be realized.

(d) No new loans shall be made from the General Fund or the State Highway Account for any toll bridge or toll highway within the area of jurisdiction of the Metropolitan Transportation Commission.

(Amended by Stats. 1987)

#### **Note: Stats. 1981, ch 1182 also provides:**

Section 1. It is the intent of the Legislature that toll bridge revenue be pledged primarily for the redemption of all outstanding bonds and the interest thereon. The Legislature recognizes the dependence of some transit systems upon current law which provides capital support for public transit. However, the use of toll bridge revenues for public transportation development is contrary to Section 30204.3 of the Streets and Highways Code, which provides that tolls shall be used directly, concurrently, and exclusively for the redemption of bonds. Furthermore, it has traditionally been the state policy to ultimately eliminate all toll charges on state bridges. It is the legislative intent of this act to limit tolls to the payment of outstanding debt and the interest thereon with the exception of maintaining current transit support until alternative methods of financing can be found.

### **§ 30103. Changes in Rates**

Toll charges so fixed may be changed from time to time as conditions warrant.

(Added by Stats. 1947)

### **§ 30104. Conditions for Use**

The commission shall prescribe the terms and conditions upon which any person, or private, public, or municipal corporation, or any district or political subdivision may do any of the following:

(a) Transport any person or property over any toll bridge or other toll highway crossing acquired or constructed, or to be acquired or constructed, or in course of construction pursuant to this chapter.

(b) Operate any transportation facilities thereon.

(c) Transport any person or property over any additional transportation facilities, constructed or acquired pursuant to this chapter, or use or operate such additional transportation facilities.

No person, or private, public, or municipal corporation, or district or political subdivision shall do any of the acts specified in subdivisions (a), (b), and (c) of this section, except in accordance with authorization or permission to do so from the commission.

(Amended by Stats. 1980)

### **§ 30105. Permits and Contracts**

The commission may also grant permits to and enter into contracts with steam, electric, bus, railroad, and other transportation companies, public or private, and with any municipal or public corporation, public utility district, or political subdivision for the use of any toll bridge or other toll highway crossing, and for the use of the transportation facilities and the additional transportation facilities thereof, upon such terms and conditions as are mutually agreed upon if, prior to the granting of the permit or the execution of the contract, the commission first determines that the permit or contract is advisable or necessary for the financing of the bridge or other toll highway crossing or for the proper, necessary, or safe use of the bridge and for the best interests of the state.

(Amended by Stats. 1980)

### **§30106. Public Utilities Commission Jurisdiction**

The grant of any such permit or the execution of any such contract by the California Transportation Commission shall not relieve any transportation company or corporation subject to the jurisdiction of the Public Utilities Commission from the duty of obtaining any certificate of public convenience and necessity for the conduct of a transportation service over any toll bridge or other highway crossing as required by law, or from the duty of complying with every lawful order, rule, or regulation of the Public Utilities Commission respecting such transportation service.

(Amended by Stats. 1980)

### **§ 30107. Provisions of Contracts: Use of Facilities**

In any such contract or permit, the commission may authorize the transportation company or corporation, district, or political subdivision providing transportation to use the transportation facilities and additional transportation facilities of the commission upon such terms and in such manner as the commission deems proper. Such use may be authorized without restriction to the particular toll bridge or other highway crossing to which the transportation facilities and additional transportation facilities relate, but the use authorized shall be for or in aid of the transportation of persons or property over that bridge or other highway crossing or the approaches thereto.

(Amended by Stats. 1980)

### **§ 30108. Rights in Condemnation Proceedings**

Every contract which the commission enters into with, and every permit which it grants to, any person, or private, public, or municipal corporation, any district or political subdivision, for the transportation of persons or property by such person, or private, public, or municipal corporation, or district or political subdivision over any toll bridge or other toll highway crossing, or over the additional transportation facilities of any toll bridge or other toll highway crossing, shall contain a provision that no privilege or contract rights acquired by such person, private, public, or municipal corporation, district, or political subdivision, with regard to the transport of persons or property over any such toll bridge or with regard to additional transportation facilities, shall be an element of value in any subsequent condemnation proceeding against any such person, private, public, or municipal corporation, district, or political subdivision.

(Amended by Stats. 1980)

### **§ 30109. Value of Rights**

No privilege, permit, or contract right acquired by any such person, private, public, or municipal corporation, district, or political subdivision, with regard to the transport of persons or property over any such toll bridge or other toll highway crossing or with regard to use of or passage over any additional transportation facilities shall constitute an element of value in any condemnation proceeding.

(Added by Stats. 1947)

### **§ 30110. Operation of Transportation Facilities**

The commission, in behalf of the State, by itself or its agents or assigns, or through the department or its agents or assigns, may operate the transportation facilities of any toll bridge or other highway crossing constructed or acquired pursuant to this chapter and the additional transportation facilities authorized to be constructed or acquired pursuant to this chapter. This power may be exercised upon default of any party contracting under Section 30104 or 30105 with the commission for the transportation of persons or property for hire over any toll bridge or other toll highway crossing, or upon the termination or cessation of any such contract or agreement, or in the absence of such contract or agreement.

Prior to the operation of any such transportation facilities by the commission or its agents or assigns or by the department or its agents or assigns, the commission shall first determine that the operation thereof is advisable or necessary for the financing of the bridge or other toll highway crossing, or for the proper or necessary use of the bridge or other toll highway crossing, and is for the best interests of the State.

(Amended by Stats. 1980)

### **§ 30111. Implied Powers**

The commission, the officials thereof, and all State officials may do such acts and make such agreements not inconsistent with law as are necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation, and insurance of toll bridges or other highway crossings, and the transportation facilities thereof or thereto, or the safeguarding of the funds and revenues required for such purposes and the payment of the indebtedness incurred therefor.

(Amended by Stats. 1980)

**§ 30112. Inclusion of Bicycle and Pedestrian Facilities on New Toll Bridges; Finding and Report; Payment of Cost.**

The department and commission shall consider the inclusion of bicycle and pedestrian facilities on each new toll bridge designed and constructed pursuant to this division, including appropriate connections thereto. Such facilities shall be included on each such new bridge if the commission finds that they are economically and physically feasible. If the commission finds such facilities are not feasible, it shall report its findings to the Legislature at least one year prior to commencement of construction, including the facts on which the commission based its decision.

The cost of the bicycle and pedestrian facilities on the approaches to the toll bridge shall be paid by the commission as a part of the cost of construction of the toll bridge, unless the cost of such facilities is to be paid by a governmental agency other than a state agency. The feasibility study for such facilities shall reflect whether the commission or a governmental agency other than a state agency shall pay the cost of such facilities.

The Legislature finds that the increased use of the bicycle is a desirable activity which should be encouraged by the improvement of access available to that mode of transportation. It is the intent of the Legislature, in enacting this section, to provide for the use of toll bridges by both pedestrians and bicycles, wherever this is economically and physically feasible.

(Amended by Stats. 1980)

**§ 30113. High Technology Motion Control Devices**

(a) The commission may utilize net revenues from toll bridges in order to finance research on high technology motion control devices to be used on the bridges.

(b) If the Metropolitan Transportation Commission allocates toll bridge net revenues pursuant to Section 30886, it may utilize net revenue from the bridges under its jurisdiction to finance the research referred to in subdivision (a).

(Added by Stats. 1988)

**ARTICLE 4**

**General Powers and Duties of the Department of Transportation**

**§ 30150. Construction of Toll Bridges, etc.**

The department shall have full charge of the acquisition and construction of all toll bridges and other toll highway crossings, transportation facilities, and additional transportation facilities authorized by the commission, the operation and maintenance thereof, and the collection of tolls thereon. The director shall proceed with the construction of the toll bridges and other highway crossings, transportation facilities, and additional transportation facilities immediately upon funds for such work being made available, and shall prosecute the work to completion as rapidly as possible.

(Amended by Stats. 1980)

**§ 30150.2 Effective Date of Axle Based Tolls**

Notwithstanding any other provision of law, not later than 60 days after the effective date of this section, tolls on state-owned toll bridges shall be based on the number of axles on a vehicle or the total number of axles on a vehicle plus the total number of axles on a drawn trailer or vehicle.

(Added by Stats.1997)

### **§ 30150.5 Metropolitan Transportation Commission review**

The department, at the time it submits any request, or develops and submits any program, to the California Transportation Commission for capital expenditure or improvement on any toll bridge under the jurisdiction of the California Transportation Commission and located within the region under the jurisdiction of the Metropolitan Transportation Commission, shall transmit a copy of the request or program, as the case may be, to the Metropolitan Transportation Commission, which shall review the request or program and transmit its findings and recommendations thereon to the department and the California Transportation Commission for consideration.

(Amended by Stats. 1984)

### **§ 30150.7. Commute Ticket Sales**

Whenever the department offers for sale to the public coupons or commuter ticket books redeemable for the toll on any toll bridge located within the region under the jurisdiction of the Metropolitan Transportation Commission, as specified in Section 66502 of the Government Code, the department shall make the coupons or commuter ticket books available at locations convenient to the public, which shall not be limited to toll bridge facilities, and by mail.

(a) The Department of Transportation, with the assistance and cooperation of the Metropolitan Transportation Commission, shall study the feasibility of making any toll bridge coupon or commuter ticket book offered for sale to the public within the region under the jurisdiction of the Metropolitan Transportation Commission redeemable at any toll bridge within that region for which the same toll is charged. The study shall evaluate prohibiting the sale of commuter ticket books at toll bridge toll booths and shall consider the convenience to commuters and the public and the cost effectiveness of these matters in addition to the findings, conclusions, and recommendations of the department. The department shall consider the permissibility of commuter tickets valid on any such bridge under existing toll bridge bond resolutions.

(b) The department shall transmit the report to the Legislature on or before July 1, 1990.

(Added by Stats. 1989)

### **§ 30151. Approval of Routes**

No part of any additional transportation facilities authorized, however, shall be constructed or operated by the commission, or by any person or public or private corporation, within any county or city, unless and until the route thereof within the county or city has been approved by the board of supervisors, city council, or other legislative body thereof, as the case may be, notwithstanding any other provision in this chapter.

(Amended by Stats. 1980)

### **§ 30152. Design and Construction of Facilities**

The department, through its own engineers or through such other engineers or experts as it may employ, shall design all bridges, transportation facilities, and additional transportation facilities to be built pursuant to this chapter, and may build them or any portions of them either by its own employees or by contract with any person. The cost of any or all such bridges, transportation facilities, and additional transportation facilities shall be paid from the proceeds of bonds issued and sold pursuant to this chapter, or from contributions or appropriations from other sources as provided in this chapter.

(Added by Stats. 1947)

**§ 30153. Application of State Contract Act, Government Code Section 14250 et seq.**

All such bridges, transportation facilities, and additional transportation facilities or portion thereof shall be built by the department in accordance with The State Contract Act insofar as the provisions of that act are applicable, except that the amount of the cash, bidders' bonds, or certified checks required to accompany any bid submitted, when bids relating to the construction of any bridge or highway crossing, transportation facilities, or additional transportation facilities are called for, shall be fixed and determined by the department.

(Added by Stats. 1947)

**§ 30154. Contractor's Bonds**

The department shall require of each contractor such bonds for the faithful performance of any contract or subcontract entered into pursuant to this chapter and for the payment for any labor, materials, or supplies used in, upon, for or about the performance of the work contracted to be done, fixing such terms and conditions, and in such amounts, as it deems to be for the best interests of the State. Money realized on any such bonds shall be paid into the acquisition and construction fund of the particular toll bridge or other highway crossing involved.

(Added by Stats. 1947)

**§ 30155. Tubes, Tunnels, etc.**

The commission may authorize the department to acquire or construct tubes, tunnels, subways, underpasses, or overpasses either in connection with bridges or as separate highway crossings whenever the department deems such acquisition or construction advisable. All of the provisions of this chapter shall be fully applicable to the tubes, tunnels, subways, underpasses, or overpasses, the acquisition and construction of which is so authorized, and they shall be included within the word "bridge."

(Amended by Stats. 1980)

**§ 30156. Connecting Roads**

The department may designate and adopt as a state highway any county road or portion thereof connecting a state highway with a publicly owned bridge or publicly owned toll bridge.

(Added by Stats. 1947)

**§ 30157. Accounts, etc.**

The commission and the department shall keep full, complete and separate accounts of each toll bridge or other crossing, and annually shall prepare balance sheets and income and profit and loss statements showing the financial condition of each toll bridge or other highway crossing. The statements shall be open to the inspection of holders of bonds issued by the commission at all reasonable times.

(Amended by Stats. 1980)

**§ 30158. Use on Credit Basis**

The department may issue permits for the use of any toll bridge or other toll highway crossing acquired or constructed pursuant to this chapter on a credit basis. Except in the case of municipal or other public corporations, governmental agencies, or common carriers having contracts directly with the commission for the operation of the transportation facilities of the bridge or crossing, and except as provided in Section 30161.5, the department shall require the holder of a permit for the use of any

toll bridge or other toll highway crossing on a credit basis to furnish and maintain in force a bond executed by an admitted surety insurer, approved by the department, in an amount equal to twice the department's estimate of the toll charges to be incurred under the permit during one month.

(Amended by Stats. 1995)

### **§ 30159. Revocation of Permit**

The department may revoke any permit granted for failure of the holder to comply with its terms.

(Amended by Stats. 1982)

### **§ 30160. Fees**

The department may also require the holder of any such permit to pay a fee of not to exceed seven dollars (\$7) a month and, in addition thereto, such other fee for each individual credit transaction which, when combined with the monthly fee, will cover the estimated printing and other overhead expense, the proceeds thereof to be deposited in the fund from which such expenses are paid.

(Amended by Stats. 1970)

### **§ 30161. Limit of Use**

When necessary to facilitate movement of traffic, the department may limit the use of any toll bridge or other toll highway crossing on a credit basis to particular classes of vehicles.

(Amended by Stats. 1993)

### **§ 30161.5. Automatic Vehicle Identification - Credit Permit**

(a) For any bridge at which an automatic vehicle identification system, as described in this section, has been installed and is in operation, the department may waive the requirement that the holder of a credit permit furnish and maintain a surety bond. The automatic vehicle identification system shall have the capability of identifying each vehicle operating under the permit and of tabulating the number of bridge crossings by those vehicles. This section does not affect the authority of the department under Section 30796.8.

(b) The department shall notify the Legislature of the date upon which it commences operation of the system described in subdivision (a) on any bridge other than the bridge described in Section 30796.

(c) This section shall become inoperative five years from the date specified by the department pursuant to subdivision (b), and as of January 1 next following that date is repealed, unless a later enacted statute, which becomes effective on or before that January 1, deletes or extends that date.

(d) Nine months prior to the end of the five-year period specified in subdivision (c), the department shall submit a report to the Legislature on the implementation of subdivision (a). The report shall include an analysis of credit delinquencies encountered in operating the system and the administrative costs incurred in debt collection.

(Amended by Stats. 1993)

### **§ 30162. Discharge from Accountability**

If the department is unable to collect any tolls due to insolvency of the obligor, or if the cost of collection of any tolls would be excessive by reason of the smallness of the amount due, the department may apply to the State Board of Control for discharge from accountability for the collection thereof in the manner provided in Sections 13940 to 13943, inclusive, of the Government Code.

(Added by Stats. 1947)



## **ARTICLE 5**

### **Bonds**

#### **§ 30200. Estimates of Construction Costs**

Whenever the department determines that it is for the best interests of the public highways in the state that a new toll bridge or other highway crossing be constructed and operated by the state, the department shall submit its recommendation to that effect to the commission, together with preliminary estimates of the cost of construction thereof, an estimate of the amount required to be raised for that purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor to be contributed from other sources in aid of the construction.

If a majority of the members of the commission concurs in the recommendation of the department, the commission shall adopt a resolution declaring that public interest and necessity require the construction of the toll bridge or other highway crossing and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for the construction thereof.

(Amended by Stats. 1980)

#### **§ 30201. Estimates of Acquisition Costs**

If the department determines that it is for the best interest of the public highways in the state that a toll bridge or other highway crossing be acquired by negotiation and purchase or through eminent domain and be operated by the state, the department shall submit its recommendation to that effect to the commission, together with preliminary estimates of the cost of acquisition thereof, a preliminary estimate of the amount required to be raised for that purpose by the issuance of revenue bonds, and a preliminary estimate of the toll charges necessary to pay, in addition to all operating and maintenance expenses, the interest and redemption of the revenue bonds proposed to be issued.

If a majority of the members of the commission concurs in the recommendation of the department, the authority shall adopt a resolution declaring that public interest and necessity require the acquisition of the toll bridge or other highway crossing and authorizing the issuance of revenue bonds for the purposes of the acquisition at such times and in such amount as it deems best. The commission shall, however, before selling any bonds issued for the purpose of acquiring any particular bridge, highway crossing, or other property, by resolution specify the maximum amount of bonds to be issued for the purposes of such acquisition, and bonds shall not be issued or sold in an amount exceeding the specified maximum amount.

(Amended by Stats. 1980)

#### **§ 30201.5. Revenue Bonds to Acquire Toll Bridges**

Where one or more toll bridges or other highway crossings are to be acquired as provided in Section 30201, and expenditures to rehabilitate or improve the toll bridge or bridges or other highway crossing or crossings, or approaches thereto, or for cost of operation, are necessary, provision for the amounts to be so expended may be made in any issue of revenue bonds or for the use of toll revenues therefor, as may be provided in any bond indenture or resolution. The commission shall continue to collect tolls until all advancements for any of the purposes from any state funds have been repaid into the State Treasury to the credit of the funds from which advanced.

(Amended by Stats. 1980)

#### **§ 30202. Estimate of Cost of Transportation Facilities**

Whenever in connection with any toll bridge or other highway crossing constructed or acquired, or to be constructed or acquired, or in the course of construction or acquisition pursuant to this chapter, the department determines that it is advisable, necessary, or convenient to provide for the transportation of persons or property to and over the toll bridge or other highway crossing, the department shall submit its recommendation to that effect to the commission, together with preliminary estimates of the cost of providing for transportation facilities therefor, an estimate of any funds of the commission and of the department available for that purpose, an estimate of the amount required to be raised for that purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor to be contributed from other sources in aid of the acquisition or construction.

If a majority of the members of the commission concurs in the recommendation of the department, the commission shall adopt a resolution declaring that public interest and necessity require the providing of transportation facilities to and over the toll bridge or other highway crossing and the acquisition by agreement, eminent domain, or otherwise of the transportation facilities, and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for that purpose, or for that purpose and the acquisition or construction of any toll bridge or other highway crossing to which the transportation facilities relate if, pursuant to this chapter, the cost of acquisition or construction of the toll bridge or other highway crossing and of the transportation facilities is included within the issue of revenue bonds.

(Amended by Stats. 1980)

### **§ 30203. Estimate of Cost of Additional Transportation Facilities**

Whenever in connection with the transportation facilities of any toll bridge or other toll highway crossing constructed or acquired, or to be constructed or acquired, or in the course of construction or acquisition pursuant to this chapter, the department determines that it is advisable, necessary, or convenient, in connection with the transportation of persons or property to and over the toll bridge or other highway crossing, to construct or acquire additional transportation facilities of the toll bridge or other highway crossing, so as to provide a system of transportation for persons or property to and from the toll bridge or other highway crossing and the area within 50 miles from either end of the toll bridge or other highway crossing, the department shall submit its recommendations to that effect to the commission, together with preliminary estimates of the cost of providing for the additional transportation facilities, an estimate of any funds of the commission and of the department available for that purpose, an estimate of the amount required to be raised for that purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor to be contributed from other sources in aid of the acquisition or construction.

If a majority of the members of the commission concurs in the recommendations of the department, the commission shall adopt a resolution declaring that public interest and necessity require the providing of additional transportation facilities to connect or be coordinated with the transportation facilities of the toll bridge or other highway crossing, and the acquisition, by agreement, eminent domain, or otherwise of the additional transportation facilities, and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for that purpose, or for that purpose and the acquisition or construction of any toll bridge or other highway crossing and the transportation facilities thereof with which the additional transportation facilities are to connect or be coordinated, if pursuant to this chapter the cost of acquisition or construction of the toll bridge or other highway crossing and the transportation facilities thereof and the additional transportation facilities is included within the issue of revenue bonds.

(Amended by Stats. 1980)

### **§ 30204. Single Authorization**

The issuance of bonds for the acquisition or construction of more than one toll bridge or other highway crossing, or for the acquisition or construction of an additional toll bridge or other highway crossing and the retiring of any outstanding bonds secured by a pledge of the tolls and revenues from an existing toll bridge may be included in a single authorization.

(Added by Stats. 1947)

#### **§ 30204.1. Issues for Additional Facilities**

Whenever the state has acquired or constructed a toll bridge over any of the waters specified in subdivision (a) of Section 30100 and whenever the department determines that an additional toll bridge or other highway crossing over such waters is required and that it is for the best interests of the public highways in the state that the additional toll bridge or other highway crossing be constructed and operated by the state, the department shall submit its recommendations to that effect to the commission, together with preliminary estimates of the cost of construction of the additional toll bridge or other highway crossing and an estimate of the amount required to be raised for the purpose and for the purpose of retiring any outstanding bonds secured by a pledge of the tolls and revenues from the existing toll bridge by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials, or labor to be contributed from the other sources in aid of such construction.

If a majority of the members of the commission concur in the recommendation of the department, the commission shall adopt a resolution declaring that public interest and necessity require the construction of the additional toll bridge or other highway crossing and authorizing the issuance of revenue bonds for the purpose of obtaining funds in the amount estimated to be required for such construction and for the retiring of any and all outstanding bonds secured by a pledge of the tolls and revenues of the existing bridge, including, but not limited to, all expenses incident to the calling, retirement, or payment of any outstanding bonds, together with, among other things, the difference in amount between the par value of the outstanding bonds and any amount less than par for which the additional revenue bonds may be sold, and also any amount necessary to be made available for the payment of interest upon the additional revenue bonds from the date of sale to the date of maturity or payment of the outstanding bonds, to be redeemed out of the proceeds of the sale or the date upon which the outstanding bonds to be redeemed will be paid pursuant to call or by agreement with the holders, and also the premium, if any, necessary to be paid in order to call or retire any outstanding bonds including all amounts necessary to be deposited with the fiscal agent for the outstanding bonds to enable the fiscal agent to hold in trust an amount fully sufficient for the payment and retirement of all the outstanding bonds, including the interest thereon to the earliest date upon which the fiscal agent may legally call and redeem all outstanding bonds pursuant to the provisions of any resolution under which the outstanding bonds are issued.

Out of the proceeds of the sale of the additional revenue bonds, the commission may deposit, with the fiscal agent for any issue of outstanding bonds in advance of the earliest practicable call date of the outstanding bonds, amounts fully sufficient for the payment, retirement, and redemption of the outstanding bonds to be held by the fiscal agent in trust for such redemption at the earliest practicable call date upon which the outstanding bonds may be redeemed.

(Amended by Stats. 1980)

#### **§ 30204.2. Contents of Resolution**

The resolution may provide for a single authorization of bonds and for the surrender and cancellation of all outstanding bonds theretofore issued for the acquisition or construction of the existing bridge either by call or the consent of the holders thereof.

(Added by Stats. 1947)

#### **§ 30204.3. Tolls and Other Revenues Pledged**

The tolls and other revenues to be received from the use and operation of both the existing bridge and the additional toll bridge or other crossing shall be directly, concurrently and exclusively pledged for the redemption of the single authorization of bonds and the payment of the interest thereon, subject only to the rights of the holders of any outstanding revenue bonds payable from the revenues of any existing toll bridge prior to their redemption or surrender for cancellation, and shall remain so pledged until all of the bonds are fully redeemed and paid or sufficient funds have been accumulated and are legally available for such purpose and neither of the bridges shall become free public bridges until the bonds are redeemed and paid or provision made therefor.

(Added by Stats. 1947)

#### **§ 30204.4. Revenue Bonds**

All such bonds so authorized shall be issued in the name of the commission and shall constitute obligations only of the commission and shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct, concurrent, and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the existing bridge and from the operation of the particular additional toll bridge or other highway crossing for the acquisition or construction of which the bonds are issued and that neither the payment of the principal, or any part thereof, or any interest thereon constitutes a debt, liability, or obligation of the state.

(Amended by Stats. 1980)

#### **§ 30204.5. Additional Bridge State Highway**

If the existing bridge is a state highway, the additional bridge shall likewise be a state highway of the same class.

(Added by Stats. 1947)

#### **§ 30205. Issues for Transportation Facilities**

The bonds issued for the purpose of obtaining funds to provide for such transportation facilities may be issued as a separate issue or as part of an issue to provide for the acquisition or construction of any toll bridge or other highway crossing, as the commission may direct.

(Amended by Stats. 1980)

#### **§ 30206. Issues for Additional Transportation Facilities**

The bonds issued for the purpose of obtaining funds to provide for additional transportation facilities may be issued as a separate issue or as part of the issue to provide for the acquisition or construction of any toll bridge or other highway crossing, and the transportation facilities thereof, with which the additional transportation facilities will connect or be coordinated, as the commission may direct.

(Amended by Stats. 1980)

#### **§ 30207. Security for Bonds**

All bonds authorized pursuant to this chapter shall be issued in the name of the commission and shall constitute obligations of the commission only. The bonds shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or

other highway crossing, transportation facilities, or additional transportation facilities for the acquisition or construction of which the bonds are issued, and that neither the payment of the principal, or any part thereof, or any interest thereon constitutes a debt, liability, or obligation of the state.

(Amended by Stats. 1980)

### **§ 30208. Form of Bonds, etc.**

(a) The commission shall determine the form, conditions, and denominations of all bonds, the dates which the bonds to be sold shall bear, and the interest rate thereon which may be a variable rate of interest, except that the interest rate shall not exceed 12 percent per annum. The rate of interest need not be uniform for all bonds of the same authorized issue. Principal and interest of the bonds shall be payable at places fixed and determined by the commission. The bonds may contain provisions for registration as to principal only and as to both principal and interest. The bonds may be issued in coupon form with interest payable at time determined by the commission, and shall mature at times and in amounts as prescribed by the commission.

(b) The interest rate on bonds whose proceeds are used exclusively for the cost of construction of the new Dumbarton Bridge shall not exceed 12 percent per annum. Costs of construction shall include all costs and expenses incidental to the acquisition, construction, and financing of the bridge, the costs of issuance and sale of the bonds, and legal, financial, consulting, and engineering fees, and the expenses of printing the bonds and the resolution authorizing issuance of the bonds. This subdivision only applies to bonds not exceeding an aggregate amount of fifty million dollars (\$50,000,000).

(Amended by Stats. 1987)

### **§ 30209. Provision for Call**

The commission may provide for the retirement of the bonds at any time or times prior to their maturity, in such manner and upon payment of such premiums as may be fixed and determined in the proceedings providing for the issuance of the bonds and referred to therein.

(Amended by Stats. 1980)

### **§ 30210. Signatures**

All bonds shall be signed by the director and countersigned by the Governor. The signatures of the director and the Governor may be by facsimile, but said bonds shall be authenticated by such signatures as the bond resolution or indenture may require. All interest coupons shall bear the facsimile signature of the director. In case any officer whose signature or countersignature appears on the bonds or coupons ceases to hold his office before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless valid and sufficient for all purposes the same as if he had remained in office until the delivery of the bonds.

(Amended by Stats. 1953)

### **§ 30211. Bond Sales**

All revenue bonds authorized pursuant to this chapter may be issued and sold by the commission from time to time in such amounts as the commission deems necessary to provide sufficient funds for the purposes for which the bonds were authorized, including the payment of interest on the bonds during the period of actual construction and for a period of six months thereafter, and the proceeds thereof are available for those purposes.

(Amended by Stats. 1980)

### **§ 30212. Sale Price**

Bonds authorized pursuant to this chapter may be sold at discount from their par value. The sales price shall include the interest which has accrued thereon up to the date of delivery of the bonds.

(Amended by Stats. 1987)

### **§ 30213. Successive Issues**

Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the acquisition of construction of any particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities shall have equal preference with respect to the redemption thereof and the payment of interest thereon, but the commission may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization.

(Amended by Stats. 1980)

### **§ 30214. Bids**

(a) Other than refunding bonds, bonds issued and sold pursuant to this chapter shall be sold on sealed proposals to the highest and best bidder after advertising for bids that the commission deems proper. The commission may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale under terms and conditions that it deems most advantageous to its own interest, but the bonds shall not be sold at a price below that of the best bid which was rejected.

(b) Refunding bonds issued and sold pursuant to this chapter may be sold pursuant to subdivision (a) or at a private or negotiated sale if the commission determines that a private sale or negotiated sale of the refunding bonds is in the best interests of the state.

(Amended by Stats. 1987)

### **§ 30215. Temporary Bonds, etc.**

Temporary or interim bonds, certificates, or receipts, signed by the director, of any denomination whatever and with or without coupons attached thereto, may be issued and delivered until the definitive bonds are executed and available for delivery.

(Added by Stats. 1947)

### **§ 30216. Payment of Purchase Price**

The purchase price of all bonds issued pursuant to this chapter shall be paid to the State Treasurer for the account of the commission.

(Amended by Stats. 1980)

### **§ 30217. Restrictive Provisions**

The commission may include, in the proceedings authorizing the issuance of bonds, any provisions not inconsistent with this chapter which limit, restrict, or regulate the holding, deposit, investment, and application of money consisting of the proceeds from the sale of the bonds or the tolls and other revenues received from the operation of the toll bridge or other highway crossings, transportation facilities, or additional transportation facilities for the acquisition or construction of which the bonds may be issued. The provisions shall constitute a contract with the holders of the bonds and be binding upon the commission as long as the bonds are outstanding.

(Amended by Stats. 1980)

### **§ 30218. Provisions for Reserve, Call, etc.**

The commission may provide, in the proceedings authorizing the issuance of bonds, for the setting up of one or more reserve funds out of the proceeds of the bonds or out of the tolls and other revenues not needed for payment of interest on the bonds and the principal of the bonds as they currently mature, and for the preservation and continuance thereof in a manner to be provided therein, and may also require the immediate application of all surplus money in any such toll revenue fund to the retirement, by call or purchase, of the bonds prior to maturity in such manner and upon such terms and the payment of such premiums as the commission deems advisable.

(Amended by Stats. 1980)

### **§ 30219. Deposit of Money**

The commission may provide in the proceedings authorizing the issuance of bonds, or may otherwise agree with the purchasers of bonds, regarding the deposit of all money constituting the acquisition and construction fund and the toll revenue fund, and may provide for the deposit of such money at such times, with such depositaries or paying agents, and upon the furnishing of such security as may meet with the approval of the purchasers of the bonds. The depositaries and security provided for or agreed upon, however, shall be qualified and eligible in accordance with law.

(Amended by Stats. 1980)

### **§ 30220. Insurance**

The commission may provide, in the proceedings authorizing the issuance of bonds, for the carrying of insurance as authorized by this chapter. The purchase and carrying of such insurance shall thereupon be obligatory upon the commission and be paid for out of the toll revenue funds as may be specified in the proceedings.

(Amended by Stats. 1980)

### **§ 30221. Additional Provisions**

Whenever any bonds are to be issued pursuant to this chapter, the commission, from time to time, upon such terms and conditions in all respects as it approves and consistent with this chapter, may enter into indentures or agreements containing any or all of the following provisions:

(a) Providing for the amount, form, maturities, registration, and transfer and interchange of the bonds and coupons and the terms and conditions upon which they shall be issued, sold, paid, retired, funded, and refunded.

(b) Providing for a sinking fund for the bonds and designating a trustee or trustees, which shall be a bank or trust company or banks or trust companies duly qualified to do business in this state, to receive and disburse the revenues of the toll bridge works or improvement.

(c) Providing that, as long as any of such bonds are outstanding, there shall be raised in each year by tolls not less than the minimum amounts required for interest, sinking fund, redemption, and reserve requirements for the bonds, in addition to the amount needed for current operating and maintenance expenses, including insurance costs, required to be paid from such sources.

(d) Such other provisions for the protection of the holders of the bonds as the commission approves, including, without limiting subdivisions (a), (b), or (c), provisions that, in the event of refusal or failure to comply with any provision of this chapter or any other applicable law, or of any agreement made with the holders of the bonds or of any issue thereof, the holders of a stated percentage, in aggregate, of the principal amount of the bonds, or of such issue thereof, as the case may be, then outstanding may, in accordance with such appropriate procedure as is provided in the agreement or indenture, appoint a trustee to represent all the holders of the bonds, or all the holders of the issue thereof, as the case may be, in the matter of exercising and prosecuting on their behalf such rights

and remedies as are available to them under the law.

The commission shall, in its absolute discretion, fix the terms and conditions upon which the trustee or trustees shall receive, hold, and disburse the revenues and may prescribe the powers and duties of the trustee or trustees.

(Amended by Stats. 1980)

### **§ 30222. Applications of Benefits and Obligations to Other Bonds**

All benefits conferred or obligations imposed by this chapter or by any other law with respect to making provision for the payment, whether from tolls or other revenues received from the use and operation of any particular toll bridge or other highway crossing or from other sources, of expenses in connection with the operation, maintenance, and insurance of, and the construction of approaches to, any such toll bridge or other highway crossing, shall, notwithstanding the retirement or discharge of any or all of the bonds issued by the commission for the purpose of constructing that particular bridge or other highway crossing, inure to and continue for the benefit of any other bonds issued pursuant to this chapter as additional to, or funding, or refunding the bonds originally issued.

(Amended by Stats. 1980)

### **§ 30223. Loans from General Government**

The commission may contract loans and borrow money through the sale of bonds of the same character as those authorized pursuant to this chapter, from the United States or any of its departments, agencies, or instrumentalities upon such conditions and terms as may be agreed to. The bonds shall be subject to all the provisions of this chapter, except the requirement that bonds be first offered at public sale pursuant to advertisement.

(Amended by Stats. 1980)

### **§ 30224. Enlargement or Extension of Bridge Toll; Nature and Effect of Additional Bonds Issued**

If a bond issue for the acquisition or construction of a toll bridge or other highway crossing is authorized and sold, in whole or in part, and the commission and director deem it advisable and advantageous to enlarge or extend the toll bridge or other highway crossing or to change the structure or design thereof in order to provide new or greater facilities for any type or class of traffic, the commission may issue additional bonds for the purpose of enlarging or extending the toll bridge or other highway crossing or changing the structure or design thereof in order to provide those new or greater facilities.

The additional bonds shall not constitute a debt or obligation of the state, but shall be bonds of the commission of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. The pledge of the tolls and other revenues to be received from the operation of the toll bridge or other highway crossing to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of the additional bonds.

(Amended by Stats. 1987)

### **§ 30225. Inclusion of Funds to Retire Outstanding Bonds; Calling for Redemption**

If the outstanding bonds issued for the acquisition or construction of the toll bridge or other highway crossing as originally designed are, at the time of issuance of the additional bonds, by their terms subject to retirement before maturity, or if the holders consent to the retirement of such bonds, the commission may include, in the issue of bonds to be sold for the purpose of enlarging or extending the toll bridge or other highway crossing or changing the design thereof, an amount of bonds



sufficient to produce funds with which to retire the outstanding bonds according to their terms and may also include bonds in a principal amount sufficient to provide funds for any or all of the purposes specified in Section 30231, or otherwise provide for the use and application of any available funds for any or all of the purposes.

Before any additional bonds are delivered, the commission shall first duly call the outstanding bonds for redemption in accordance with their terms and conditions or obtain the consent of the holders thereof to their retirement.

(Amended by Stats. 1980)

#### **§ 30226. Setting Aside Funds to Retire Outstanding Bonds; Exchange of Bonds**

Out of the proceeds derived from the sale of any such additional bonds there shall be set aside an amount of money sufficient to retire such outstanding bonds as may be thereafter presented for payment. Bonds of the new authorized issue may be delivered in part in exchange for a like principal amount of outstanding bonds of the original issue if the holders of the outstanding bonds to be exchanged consent thereto.

(Added by Stats. 1947)

#### **§ 30227. Application of Chapter: Subrogation Rights**

All provisions of this chapter apply with like force and effect to the issuance of any bonds of the new authorized issue, and the holders thereof are subrogated to all the rights and powers of the holders of the bonds which are surrendered in exchange therefor, except as such rights and powers are modified by the express terms of the bonds of the new authorized issue or the proceedings authorizing their issuance.

(Added by Stats. 1947)

#### **§ 30229. Character and Nature of Funding and Refunding Bonds; Transfer of Reserve and Other Funds; Pledge of Tolls Not Affected**

Funding or refunding bonds shall not constitute a debt or obligation of the state, but shall be bonds of the commission of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. Any and all reserve or other funds applicable to the payment of the bonds funded or refunded, may, if so directed by the commission, be transferred to any reserve or other funds provided with respect to the funding or refunding bonds. The pledge of the tolls and other revenues to be received from the operation of the toll bridge or other highway crossing to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of the funding or refunding bonds.

(Amended by Stats. 1980)

#### **§ 30231. Power of Commission to Provide for Issuance of Refunding Bonds; Application of Proceeds to Outstanding Bonds; Investment of Proceeds**

(a) The commission may provide for the issuance of bonds for the purpose of refunding any bonds or any series or issue of bonds, or any portion of any series or issue of bonds, of the commission then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption, purchase, or maturity of the bonds.

(b) The proceeds of any bonds issued for the purpose of refunding of outstanding bonds may, in the discretion of the commission, be applied to the purchase, redemption prior to maturity, or retirement at maturity of any outstanding bonds on their earliest redemption date, upon their purchase or maturity, or paid to a third person to assume the commission's obligation to make the payments, and

may, pending that application, be placed in escrow to be applied to the purchase, retirement at maturity, or redemption on the date determined by the commission.

(c) Any proceeds placed in escrow may, pending their use, be invested and reinvested in obligations or securities authorized by resolutions of the commission, payable or maturing at the time appropriate to ensure the prompt payment of the principal, interest, and redemption premium, if any, of the outstanding bonds to be redeemed at maturity or to be refunded at either their earliest redemption date or any subsequent redemption date. The interest, income, and profits, if any, earned or realized on any investment may also be applied to the payment of interest on the refunding bonds. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investments thereof may be returned to the commission for use by the commission.

(Amended by Stats. 1987)

### **§ 30232. Bonds for Enlargement or Extension of Toll Bridges**

In connection with any issue of bonds pursuant to this chapter, the commission may provide for the issuance of bonds for the enlargement or extension of any toll bridge or other highway crossing, or to change the structure or design of the toll bridge or other highway crossing in order to afford new or greater facilities for any type or class of traffic, including railroad or interurban facilities, or to reimburse the commission for expenditures made in connection with any of these purposes.

(Amended by Stats. 1980)

### **§ 30233. Bonds Negotiable Instruments**

All bonds issued pursuant to this chapter are negotiable instruments under the law merchant.

(Added by Stats. 1947)

### **§ 30234. Tax Exemption**

All bonds issued pursuant to this chapter and the income therefrom are at all times exempt from taxation, except for transfer, inheritance, and estate taxes.

(Added by Stats. 1947)

### **§ 30235. Bonds Not State Debt**

Bonds issued pursuant to this chapter shall not constitute or be a debt, liability, or obligation of the state. The payment of both principal and interest of all bonds shall be secured only by the tolls or other revenues collected from the particular toll bridge or other highway crossing for which the bonds were issued, other revenues and interest thereon, and sinking funds created therefrom received by the commission, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available pursuant to this chapter.

(Amended by Stats. 1980)

### **§ 30236. Lien on Revenues**

The bond redemption and interest payments constitute a first direct and exclusive charge and lien on all tolls and other revenues, and interest thereon, and sinking funds created therefrom received from the use and operation of the particular toll bridge or other highway crossing. Such tolls and revenues together with the interest earned thereon constitute a trust fund for the security and payment of the bonds and shall not be used or pledged for any other purpose as long as any such bonds are outstanding and unpaid.

(Added by Stats. 1947)

### **§ 30237. Powers of Commission**

While any bonds issued by the commission remain outstanding, the powers, duties, or existence of the commission, of the director, or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of the bonds.

(Amended by Stats. 1980)

### **§ 30238. Bondholders Remedies**

The holder of any bond may, by mandamus or other appropriate proceeding, compel the performance of any of the duties imposed upon any state department, official, or employee or imposed upon the commission or its officers, agents, and employees in connection with the construction, maintenance, operation, and insurance of any bridge, in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of any bridge, and in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds.

The enumeration of rights and remedies in this chapter shall not exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

(Amended by Stats. 1980)

### **§ 30239. Validation of Outstanding Bonds**

All bonds issued prior to June 22, 1937, pursuant to this chapter or its predecessor and outstanding on that date are validated and declared binding in all respects.

(Added by Stats. 1947)

### **§ 30240. Investments for Commercial Banks**

The Superintendent of Banks may investigate and ascertain the status or sufficiency as investments for commercial banks in this state of any such bonds. If upon investigation it is determined in his opinion that such bonds constitute a proper investment for commercial banks, he shall so certify. He may revoke any such certificate issued by him at any time in his discretion.

(Amended by Stats. 1973)

### **§ 30241. Trust Funds**

All bonds which have been issued by the commission pursuant to this chapter or its predecessor, and which have been first certified by the Superintendent of Banks, are legal investments for all trust funds for the funds of all insurance companies, commercial and savings banks, and trust companies, and for state school funds.

(Amended by Stats. 1980)

### **§ 30242. Other Funds**

Any money or funds which may by law be invested in bonds of the state, cities, counties, or school districts in the state may be invested in the bonds issued by the commission.

(Amended by Stats. 1980)

### **§ 30243. Security for Performance of Obligation**

Whenever any bonds of the state, or of any city, county, or school district in the state, may by law be used as security for the performance of any act or the deposit of any public money, the bonds issued by the commission may be so used.

(Amended by Stats. 1980)

## **ARTICLE 6**

### **Custody and Use of Money**

#### **§ 30300. Deposit of Bond Proceeds**

The proceeds from the sale of all bonds authorized pursuant to this chapter shall be paid to the State Treasurer for the credit of the commission and forthwith deposited as demand deposits in such depository or depositories as are authorized by law to receive deposits of state funds, to the credit of a fund to be designated as the acquisition and construction fund of the particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities for which the bonds were issued and sold. The fund shall, at all times, be kept segregated and set apart from all other funds.

(Amended by Stats. 1980)

#### **§ 30301. Disbursement of Proceeds; Purposes; Restrictions on Disbursement**

The proceeds from the sale of the bonds shall be paid out or disbursed solely for the acquisition or construction of the particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities, the acquisition of the necessary lands and easements therefor, and the payment of interest on the bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor arises. The commission may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such funds which are deemed advisable for the purpose of assuring the proper application of the funds.

(Amended by Stats. 1980)

#### **§ 30302. Investment of Acquisition and Construction Fund**

All money in the particular acquisition and construction fund not required to meet current acquisition or construction costs of the toll bridge or other highway crossing, transportation facilities, or additional transportation facilities for which the bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they are required to be applied or to which they are pledged, shall be invested in bonds and obligations eligible for investment of surplus state money.

The commission may provide, in the proceedings authorizing the issuance of the bonds, that the investment of such money shall be paid only in particular bonds and obligations within the classifications eligible for such investment, and such provisions shall be binding upon the commission and all officials having anything to do with the investment.

(Amended by Stats. 1980)

#### **§ 30303. Application of Surplus**

Any surplus which exists in the particular acquisition and construction fund shall be applied to the retirement, by purchase or call, of bonds issued for the acquisition or construction of the particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities. If the bonds cannot be purchased at a price satisfactory to the commission and are not by their terms callable prior to maturity, the surplus shall be paid into the fund applicable to the payment of principal and interest of the bonds and shall be used for that purpose.

The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying the surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called, and such limitations and conditions shall be followed and observed in the applications and use of the surplus. All bonds retired by purchase or call shall be immediately canceled.

(Amended by Stats. 1980)

#### **§ 30304. Tolls and Revenues**

All tolls or other revenues received from the operation of any toll bridge or other highway crossing, transportation facilities, or additional transportation facilities acquired or constructed with the proceeds of bonds issued and sold pursuant to this chapter shall be paid over by the department at least monthly to the State Treasurer who shall deposit them forthwith in such depository or depositories as are authorized by law to receive deposits of state funds, to the credit of a special fund to be designated as the toll revenue fund of the particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities producing the tolls or revenue, which fund shall at all times be kept segregated and set apart from all other funds.

(Added by Stats. 1947)

#### **§ 30305. Payment of Principal and Interest**

From the money deposited in each separate acquisition and construction fund, the State Treasurer shall transfer to the place or places of payment named in the bonds such sums as are required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of the particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities during the period of actual construction and during the period of six months immediately thereafter. The Treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in the bonds such sums as are required to pay the interest on the bonds and to redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold for the construction or acquisition of the particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities producing the tolls or revenues deposited in the toll revenue fund. All funds transferred for the payment of principal or interest on bonds issued for any particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities shall be segregated and applied solely for the payment of such principal and interest.

(Added by Stats. 1947)

#### **§ 30306. Application of Surplus Funds**

The money remaining in each separate toll revenue fund, after providing the amount required for interest and redemption of bonds, shall be held and applied as provided in the proceedings authorizing the issuance of the bonds. If the proceedings authorizing the issuance of the bonds do not require surplus revenue to be held or applied in any particular manner, they shall be allocated and used for other purposes incidental to the acquisition, construction, operation, and maintenance of the particular toll bridge or other highway crossing, transportation facilities, or additional transportation

facilities as the  
commission determines.

(Amended by Stats. 1982)

#### **§ 30307. Warrants**

Warrants for payments to be made on account of the bonds shall be duly drawn by the State Controller upon request of the State Treasurer whenever the drawing of the warrants is required in order to make such payments.

(Added by Stats. 1947)

#### **§ 30308. Payment for Acquisition or Construction**

Money required to meet the cost of acquisition or construction and all expenses and costs incidental to the acquisition or construction of any particular toll bridge or other highway crossing, transportation facilities, or additional transportation facilities, or to meet the costs of operating, maintaining, and repairing them, shall be paid from the proper fund therefor upon demand of the department and after audit thereof as provided by law upon warrants drawn by the Controller.

(Added by Stats. 1947)

#### **§ 30309. Application of Interest**

All interest received or earned on money deposited in each and every fund provided for in this article shall be credited to and become a part of the particular fund upon which the interest accrues.

(Added by Stats. 1947)

#### **§ 30310. Use of Bond Proceeds**

Notwithstanding any other provision in this chapter, the proceeds received from the sale of bond and the tolls or other revenues received from the operation of any particular toll bridge or other highway crossings, transportation facilities, or additional transportation facilities may be used to defray any expenses incurred by the commission in connection with and incidental to the issuance and sale of bonds for the acquisition or construction of the particular toll bridge or other highway crossings, transportation facilities, or additional transportation facilities, including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of the bonds, except that the proceedings authorizing the issuance of the bonds may contain appropriate provisions governing the use and application of the bond proceeds and toll or other revenues for the purposes specified in this section.

(Amended by Stats. 1980)

#### **§ 30311. Transportation Facilities and Additional Transportation Facilities**

Insofar as any issue of bonds pursuant to this chapter for the acquisition or construction of any particular toll bridge or other highway crossing includes the acquisition or construction of any transportation facilities or additional transportation facilities to or of any such toll bridge or other highway crossing pursuant to this chapter, the provisions of this article with respect to the receipt and disposition of the proceeds from the sale of bonds, the acquisition and construction funds referred to, the receipt and disposition of tolls, the toll revenue funds, and the other provisions with respect to the receipt and disbursement of money or funds are equally applicable to the money or funds relating to such transportation facilities or additional transportation facilities as with respect to such toll bridge or other highway crossing.

(Added by Stats. 1947)

**§ 30312. Facilities not included in Bond Authorization**

If the bonds authorized pursuant to this chapter for the acquisition or construction of the transportation facilities or additional transportation facilities do not include the toll bridge or other highway crossing to which such transportation facilities or additional transportation facilities relate, the provisions of this article with respect to the receipt and disposition of the proceeds from the sale of bonds, the acquisition and construction funds referred to, the receipt and disposition of tolls, the toll revenue funds, and the other provisions with respect to the receipt and disbursement of money and funds are applicable to the money or funds relating to such transportation facilities or additional transportation facilities.

(Added by Stats. 1947)

**ARTICLE 7**

**Protection Against Competing Facilities**

**§ 30350. Prohibition of Competing Facilities**

As long as any of the bonds issued pursuant to this chapter for the acquisition, construction, enlargement, extension, or change in design or structure of any toll bridge or other highway crossing are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge, subway, tunnel, or other crossing over, under, through, or across the waters over which such bridge or other highway crossing is located or constructed, connecting, or adjoining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge or other highway crossing within a distance of 10 miles from either side of such bridge or highway crossing, excepting bridges or other crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the acquisition or location of the toll bridge or other highway crossing and prior to the time of the authorization of the revenue bonds.

Where a distance of less than 10 miles has been specified in any bond resolution containing the obligations of the commission in connection with any bonds previously issued, the department and the commission may construct new bridges or other highway crossing within less than 10 miles of the bridge or other highway crossing for which bonds are outstanding, but the provisions of any bond resolution adopted, prior to January 1, 1955, or similar provisions in any bond resolution thereafter adopted, in connection with the issuance of such bonds shall be observed.

(Amended by Stats. 1986)

**§ 30351. Ferries**

No ferry or other similar means of crossing such waters within such distance and connecting or plying directly or indirectly between the land or extensions thereof or abutments thereon on both sides of the water spanned or crossed by such bridge or other highway crossing shall be maintained or operated or permitted or allowed, except that any ferry or other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the acquisition or location of the bridge or other highway crossing and prior to the time of the authorization of the revenue bonds, may continue and be permit-

ted to be operated and maintained under the existing rights and franchises, or any lawful renewal or extension thereof.

(Added by Stats. 1947)

### **§ 30352. Existing Ferries; “Ferry” Defined**

As long as any of the bonds issued pursuant to this chapter for the acquisition, construction, enlargement, extension, or change in design or structure of any toll bridge or other highway crossing acquired or constructed pursuant to this chapter or the transportation facilities or additional transportation facilities thereon or thereto are outstanding and unpaid, any ferry or similar means of crossing the waters within 10 miles from either side of the toll bridge shall not be operated, except as between the particular points of landing between which the ferry or other similar means of crossing was operated and only as to the particular classes of service in which the ferry or other similar means of crossing was actually engaged at the time of construction of the toll bridge or other highway crossing was authorized by the commission. Any ferry or other similar means of crossing shall not be restored to operation between any points of landing or as to any class of traffic operation discontinued subsequent to the authorization by the commission of any bridge or highway crossing.

“Ferry,” as used in this article, includes vessels of any kind or character operating upon the inland waters of this state for the transportation of persons or vehicles other than railway freight cars, but excludes vessels operated by common carriers providing transportation service subject to the jurisdiction of the Public Utilities Commission.

(Amended by Stats. 1986)

### **§ 30353. Application of Article**

Sections 30350 and 30351 are binding upon the commission, the state, all of its departments, agencies, or instrumentalities, any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and districts of any nature whatever. The prohibitions of those sections restrict and limit the powers of the Legislature with respect to the matters mentioned in those sections as long as any bonds are outstanding and unpaid and constitute a contract to that effect for the benefit of the holders of all bonds.

(Amended by Stats. 1982)

### **§ 30354. Exceptions**

The limitations and provisions of Sections 30350 and 30351 do not apply to the acquisition or construction and maintenance and operation of any bridge which may be built across the Golden Gate between the City and County of San Francisco and the County of Marin or to any ferry authorized to be operated and maintained across the waters of the bay between the City and County of San Francisco and County of Marin, or to any bridge or tube between the Cities of Oakland and Alameda, or to any highway bridge or other crossing between the County of Marin and the County of Contra Costa.

(Amended by Stats. 1951)

#### **§ 30354.5. Exception: Exclusive Train Crossings**

Neither the limitations nor the provisions of Section 30350, nor similar limitations of any other section of the California Toll Bridge Authority Act, shall apply to the acquisition, erection, construction, maintenance or operation of any rapid transit crossing exclusively for trains and not for passenger automobiles, trucks or busses, at any location within the San Francisco Bay between San Francisco and Alameda Counties.



(Added by Stats. 1956)

**§ 30355. Exceptions: Marin Ferry and Alameda Tube**

The limitations and provisions of Section 30352 do not apply to any ferry authorized to be operated and maintained across the waters of the bay between the City and County of San Francisco and the County of Marin or to any bridge or tube between the Cities of Oakland and Alameda.

(Added by Stats. 1947)

**§ 30356. Exemptions**

The limitations and provisions of this article do not apply to any ferry across San Diego Bay.

The provisions and limitations of this article do not prevent the operation of any ferry or other similar means of crossing authorized or permitted by either of the following:

(a) The California Transportation Commission during the period of time that any toll bridge or other highway crossing is obstructed to traffic because of accident thereto or repair thereof, or is for any reason unable to fully accommodate traffic.

(b) The Public Utilities Commission.

(Amended by Stats. 1982)

**§ 30357. Application of Article**

The limitations and provisions of this article do not apply to the acquisition or construction and maintenance and operation of any additional toll bridge or other highway crossing when such additional toll bridge is constructed and operated by the State, and when the refunding of any and all outstanding bonds on any existing bridge and funds for the construction of the additional toll bridge or other crossing are provided for in a single authorization of bonds and the tolls and other revenues received from the use and operation of both any existing bridge and the additional toll bridge or other highway crossing are directly, concurrently, and exclusively pledged for the redemption of the single authorization of bonds and the payment of the interest thereon.

(Added by Stats. 1947)

**§ 30358. Emeryville Ferry System**

Notwithstanding any other provision of law, the City of Emeryville may operate a ferry system between the city and the City and County of San Francisco if both of the following conditions are met:

(a) Approval for the ferry system is obtained from the Metropolitan Transportation Commission.

(b) Either the required consent of the holders of outstanding revenue bonds secured by the revenues in the Revenue Fund of the San Francisco-Oakland Bay Bridge is obtained for establishment of the ferry system, or it is established that the operation of the ferry system is not prohibited by the provisions of any outstanding bond indenture. In the operation of its ferry system, the city shall not operate any charter, tourist, recreational, or sightseeing services. However, the city may contract with any common carrier regulated by the Public Utilities Commission to provide such services and for the use of the city's vessels, facilities, or other equipment for such purposes.

(Added by Stats. 1974)

**ARTICLE 8**

## **Acquisition and Disposition of Property**

### **§ 30400. Authorization**

The department may acquire by gift, purchase, or eminent domain proceedings any bridge, transportation facilities, or additional transportation facilities, and any franchise, rights, privileges, easements, or other property either real or personal appurtenant thereto, when the acquisition or construction of any toll bridge or other toll highway crossing, transportation facilities, or additional transportation facilities is authorized by the commission.

(Amended by Stats. 1980)

### **§ 30401. Condemnation Proceedings**

In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge or other toll highway crossing, real property, personal property franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, private, public, or municipal corporation, county, city, district, or any political subdivision of the State, may be condemned and taken, and the acquisition and use thereof as provided in this chapter for the same public use or purpose to which such property has been appropriated or dedicated or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated.

It shall not be necessary in any eminent domain proceedings pursuant to this section to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution required by Section 1245.220 of the Code of Civil Procedure.

(Amended by Stats. 1975)

### **§ 30402. Property Dedicated to Public Use**

In eminent domain proceedings to acquire property for any of the purposes of this chapter, any transportation facilities, additional transportation facilities, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, private, public, or municipal corporation, county, city, district, or any political subdivision of the state may be condemned and taken and the acquisition and use thereof as provided in this chapter for the same public use or purpose to which such property has been appropriated or dedicated or for any other public use or purpose shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated, except as to real estate, personal property, franchises, rights, privileges, or easements actively used by or necessary for the operation of a common carrier by railroad other than those used primarily by such railroad for the transportation of persons or property by interurban operation to and from an area within 50 miles from either end of any toll bridge or other toll highway crossing acquired or constructed pursuant to this chapter.

Except for such prior railroad use, it shall not be necessary in any eminent domain proceeding pursuant to this section to plead or prove any acts or proceeding preliminary or prior to the adoption of the resolution required by Section 1245.220 of the Code of Civil Procedure.

(Amended by Stats. 1975)

### **§ 30406. Existing Toll Bridges, etc.**

When the State, or any department or governmental agency thereof, acquires any existing toll bridge or the real or personal property used in connection therewith, such property and toll bridge shall continue to be subject to taxation by the county, political subdivision, and municipal corporation in which it is located, and the State shall pay to the county granting the franchise for the bridge such amounts as become due to the county for the franchise for the construction of the toll bridge.  
(Added by Stats. 1947)

#### **§ 30407. Right of Way Over State Lands**

The right of way is given, dedicated, and set apart upon which to locate, construct, and maintain bridges or other highway crossings, transportation facilities, and additional transportation facilities which have been or may be constructed pursuant to this chapter, through, over, under, on or across any property to the State, including highways, now or hereafter owned, opened, or dedicated to or for public use and howsoever acquired, and through, over, under, on, or across the streets, alleys, lanes, and roads now or hereafter opened or dedicated to or for public use and howsoever acquired which are now or may be within any county, city, public, or municipal corporation, district, or political subdivision of the State.

(Added by Stats. 1947)

#### **§ 30408. Compensation for Public Property**

If any property belonging to any county, city, public or municipal corporation, district, or political subdivision of the state is taken for the acquisition or construction of any bridge or other toll highway crossing, or the transportation facilities or additional transportation facilities thereof or thereto, or if any such property is injured or damaged by such acquisition or construction, and the payment of compensation therefor is necessary, proper and necessary compensation therefor as is agreed upon may be paid by the commission to the particular political subdivision of the state owning or in charge of such property, or the commission may direct that eminent domain proceedings be brought pursuant to this article for the determination of such compensation, including the determination of the interest of any such county, city, public or municipal corporation, district, or political subdivision in such property and the necessity for the payment of such compensation.

(Amended by Stats. 1980)

#### **§ 30409. Reserved Rights of State**

In all cases where, by statute or otherwise, any right is reserved or granted to the state or any state agency to construct or maintain highways, bridges, or approaches thereto, or other highway crossings, or railroads, or transportation facilities over, through, under, on, or across any public or private property, the commission is entitled to the benefit of such reservation or grant.

(Amended by Stats. 1980)

#### **§ 30410. Property No Longer Required**

Whenever any property acquired for any of the purposes of this chapter, whether by agreement, grant, or eminent domain, either in fee or in any lesser estate or interest, is no longer necessary for use in connection with any improvement authorized to be constructed pursuant to this chapter, or whenever a lesser interest than is owned therein is sufficient for the construction, maintenance, and operation of any improvement, or whenever it is for any other reason in the public interest to do so, the property, any part thereof, or any interest therein may be leased, sold, exchanged, or otherwise disposed of or dealt with by the director in the manner, upon such terms, and subject to such reservations as are first approved by the commission.

(Amended by Stats. 1980)

**§ 30411. Dedication of Property to Public Use, etc.**

Whenever, either before or after the construction or reconstruction of streets, sidewalks, or other like facilities upon any property or interest in property acquired pursuant to this chapter, it appears desirable to dedicate the property to public use for such purpose, the director, with the approval of the commission, may dedicate or transfer the property to any county, city, or other public or municipal corporation within which it is located, subject, however, to any rights or interests necessary for the proper construction, maintenance, and operation of any bridge, highway crossing, or transportation facility which extends through, over, under, on, or across the property.

(Amended by Stats. 1980)

**§ 30412. Execution of Agreements, etc.**

Any agreement, lease, or conveyance authorized by this chapter shall be executed or accepted on behalf of the State by the director.

(Added by Stats. 1947)

**§ 30413. Disposition of Proceeds**

Any money received for any such property shall be received into the funds for the bridge, other highway crossing, or transportation facilities for which the property was originally acquired.

(Added by Stats. 1947)

## **ARTICLE 9**

### **Insurance of Property**

**§ 30450. Authorization of Insurance**

When any toll bridge or other highway crossing, transportation facilities, or additional transportation facilities authorized pursuant to this chapter is being built by the department, the department and the commission, or either of them, may carry, or cause to be carried, such an amount of insurance or indemnity bond as protection against loss or damage as the commission deems proper.

(Amended by Stats. 1980)

**§ 30451. Destruction or Impairment of Property**

The commission may carry insurance in such amount as it deems proper to cover any accident or destruction, in part or in whole, to any toll bridge or other highway crossing, transportation facilities, or additional transportation facilities until all bonds sold for the acquisition or construction of the toll bridge or other highway crossing, transportation facilities, or additional transportation facilities and interest accrued thereon have been fully redeemed and paid.

(Amended by Stats. 1980)

**§ 30452. Use of Proceeds of Insurance**

All money collected on any indemnity bond or insurance policy as the result of any damage or

injury to any such toll bridge or other highway crossing, transportation facilities, or additional transportation facilities shall be used for the purpose of repairing or rebuilding the toll bridge or other highway crossing, transportation facilities, or additional transportation facilities, as long as there are revenue bonds against any such structure outstanding and redeemed.

(Added by Stats. 1947)

### **§ 30453. Loss of Use**

The commission may also carry insurance or indemnity bonds insuring against the loss of this or other revenues to be derived from any toll bridge or other highway crossing, transportation facilities, or additional transportation facilities by reason of any interruption in the use of the toll bridge or other highway crossing, transportation facilities, or additional transportation facilities from any cause whatever.

The proceeds of the insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge or other highway crossing, transportation facilities, or additional transportation facilities so insured are required to be paid and shall be applied to the same purposes and in the same manner as other money in the fund.

The insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of the toll bridge or other highway crossing, transportation facilities, or additional transportation facilities during any period of time determined upon by the commission and fixed in its discretion, and may be paid for out of the toll revenue fund as specified in the proceedings.

(Amended by Stats. 1980)

## **ARTICLE 10**

### **Local Cooperation**

#### **§ 30500. Contributions by Cities, Counties, etc.**

Any city, county, district, or political subdivision of the state, upon the request of the department or of the commission, may advance or contribute money, rights-of-way, labor, materials, and other property toward the expense of building, acquiring, and maintaining the toll bridge or other highway crossing, and the transportation facilities thereof and thereto referred to in this chapter, and for preliminary surveys and the preparation of plans and estimates of cost thereof and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including highway funds received from the state.

(Amended by Stats. 1980)

#### **§ 30501. Issuance of General Obligation Bonds**

Any city, county, district, or political subdivision of the State may issue general obligation bonds for any of the purposes enumerated in this article. All proceedings for the authorization, issue, and sale of such bonds shall be had under the law governing the issue and sale of bonds for public improvements by the particular political subdivision or public corporation.

(Added by Stats. 1947)

#### **§ 30502. Use of Advances or Contributions**

Money or property advanced or contributed pursuant to this article may be immediately transferred or delivered to the department or to the commission to be used for the purpose for which the advance or contribution was made.

(Amended by Stats. 1980)

### **§ 30503. Agreements for Repayment**

The commission may enter into a binding agreement with any city, county, district, or political subdivision of the state to repay any money or the value of any rights-of-way, labor, materials, or other property advanced or contributed toward the expense of acquiring or constructing any toll bridge or other highway crossing, or the transportation facilities thereof or thereto, acquired or constructed pursuant to this chapter, but no repayment therefor shall be made until all obligations issued by the commission for the acquisition or construction of the toll bridge or other highway crossing, and the transportation facilities thereof or thereto have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of the toll bridge or other highway crossing.

(Added by Stats. 1947)

### **§ 30504. Continuation of Tolls: For Payment of Bonds**

The collection of tolls shall be continued on any particular toll bridge or other highway crossing until all bonds issued pursuant to this chapter for the acquisition or construction of the toll bridge or other highway crossing or the transportation facilities thereof or thereto are fully redeemed and paid.

(Added by Stats. 1947)

### **§ 30505. Continuation of Toll: Repayment of Contributions**

After all bonds issued pursuant to this chapter for the acquisition or construction of any toll bridge or other highway crossing and the transportation facilities thereof or thereto have been fully redeemed and paid, the commission may continue to collect tolls and other revenues for the use of the toll bridge or other highway crossing for the purpose of reimbursing the state for any expenditures which have been made by it in connection with the toll bridge or other highway crossing, and the transportation facilities thereof or thereto, and for the purpose of repayment of any city, county, district, or political subdivision of the state of any amount the commission has agreed to repay for money, rights-of-way, labor, materials, or other property advanced or contributed for the acquisition or construction of the toll bridge or other highway crossing or transportation facilities thereof or thereto.

(Amended by Stats. 1980)

### **§ 30506. Petition by City, County, etc. for Toll Bridges, etc.**

Any city, county, incorporated bridge and highway district, or joint highway district may, by proper resolution of its governing body, petition the commission requesting the commission to authorize the acquisition or construction of any toll bridge or other toll highway crossing across any waters, bays, arms of bays, rivers, or streams wholly within, or bordering upon, or wholly without the limits of any such political subdivision or public corporation.

If the commission refuses to authorize the acquisition or construction of the proposed toll bridge or other toll highway crossing, or if the commission does not within three years from the receipt of the petition authorize the acquisition or construction of the toll bridge or other toll highway crossing, the city, county, bridge and highway district, or joint highway district, either singly or in conjunction with other cities, counties, bridge and highway district, or joint highway districts, may acquire or

construct the toll bridge or other toll highway crossing, subject to the limitations of Article 7 (commencing with Section 30350).

(Amended by Stats. 1980)

## **CHAPTER 2**

### **Particular Highway Crossings**

#### **ARTICLE 1**

##### **San Francisco-Oakland Bay Bridge**

###### **§ 30600. “Toll Bridge”**

As used in this article “toll bridge” means that certain bridge across San Francisco-Oakland Bay Bridge and the approaches thereto.

(Added by Stats. 1947)

###### **§ 30601. Primary State Highway**

The toll bridge and the approaches to it are a primary state highway. No law providing that state highways shall be free highways affects the power or duty of the commission to fix the rates of toll for the toll bridge or the power and duty of the department to collect the tolls so fixed by the commission for the use of the toll bridge.

(Amended by Stats. 1980)

###### **§ 30602. Maintenance and Operation**

The department shall permanently maintain and operate the toll bridge as a primary state highway in such a manner that the physical condition and operating efficiency thereof shall be of the highest character.

(Added by Stats. 1947)

###### **§ 30603. Insurance**

The department may cause the toll bridge and structures on approaches to be insured against all risks to such extent as it deems necessary, and shall provide such insurance as may be required by any bond indenture applicable to the toll bridges. The proceeds of such insurance shall be applied to the restoration of the toll bridge and structures on approaches to the same good order, repair, and condition as they were in prior to the damage, insofar as possible.

(Amended by Stats. 1955)

###### **§ 30604. Compliance With Federal Orders**

The department shall at all times cause the toll bridge to comply with all lawful orders of the United States Secretary of War, the Chief of Engineers of the United States Army, and of any other governmental agency or authority having jurisdiction thereof.

(Added by Stats. 1947)

###### **§ 30604.5 No Restrictions on Permits**

Notwithstanding any other provision of law, local and state permitting authorities shall not impose any requirement that a bicycle, pedestrian, or mass transit facility be constructed on the San Francisco-Oakland Bay Bridge as a condition for issuing any permit, granting any easement, or granting



any other form of approval needed, for the construction of a new bridge.

(Added by Stats. 1997)

### **§ 30605. Operation and Insurance Costs**

(a) The cost of operation and insurance of the toll bridge and any additional highway crossing of San Francisco Bay constructed between the County of Alameda and City and County of San Francisco shall be paid by the department from the tolls and revenues received from the use and operation of the toll bridge and additional highway crossing. The cost of operation and insurance of any toll bridge or other highway crossing upon which tolls are now being collected, or that may hereafter be acquired or constructed over the San Francisco Bay, shall be paid by the department from the tolls and revenues received from the use and operation thereof.

(b) The cost of maintenance (exclusive of the approaches) of the toll bridge and any additional highway crossing of San Francisco Bay constructed between the County of Alameda and City and County of San Francisco shall be paid by the department from the tolls and revenues received from the use and operation of the toll bridge and additional highway crossing, and the cost of maintenance (exclusive of the approaches) of any toll bridge or other highway crossing on which tolls are now being collected or that may hereafter be acquired or constructed over the San Francisco Bay, shall be paid by the department from the tolls and revenues received from the use and operation thereof, except as follows:

If the terms and conditions of any bonds that are outstanding on September 9, 1953, and that are payable from the tolls are such as to require that the cost of physical maintenance of the toll bridge shall be paid from sources other than tolls and revenues from the use and operation of the toll bridge, the cost of the maintenance shall be paid by the department from money accruing and to accrue in the state Highway Account available for the widening, resurfacing, and reconstruction of state highways for the group of counties designated as Group No. 1 in Section 187, until the bonds are refunded or retired or until payment of the cost of maintenance out of tolls and revenues from the toll bridge is authorized in the manner provided in the proceedings authorizing the issuance of the bonds. The State Highway Account shall be reimbursed by the commission for all amounts so expended with interest thereon at the rate of 1-1/2 percent per annum to be computed on the total amount expended during any one year.

Whenever after September 9, 1953, any bonds secured by pledge of the tolls and revenues of the toll bridge are refunded or retired, in the total then outstanding, the commission shall include, in the proceedings for any new issue of bonds for such purpose, bonds in a sufficient amount to repay to the State Highway Account the amount provided by this section. If the amount is not repaid from the proceeds from the sale of bonds and all revenue bonds secured by revenues on the toll bridge are fully retired, and all other obligations secured by revenues of the toll bridge, whether by means of bond issue or other provisions of law, have been fully paid, the repayment shall be made from the tolls and revenues of the toll bridge, and the commission and the department shall fix and collect tolls on the toll bridge at a rate sufficient to include provision for such repayment until the amount required to be paid into the State Highway Account by this section has been paid thereto.

The moneys required to be repaid by this section shall be credited to the money available for construction of state highways in County Group No. 1 as specified in Section 187.

(Amended by Stats. 1980)

### **§ 30606. Maintenance Costs for Architectural Lights**

(a) The cost of operating and maintaining the architectural lights on the toll bridge shall be paid by the department from toll bridge revenue funds available for the operation of the toll bridge.

(b) For the purpose of carrying out this section from January 1, 1988, to January 1, 1989, the department's operating expense budget shall be augmented by one person-year and fifty thousand

dollars (\$50,000). Thereafter, the expense of carrying out this section shall be included in the annual Budget Act.

(Added by Stats. 1987)

### **§ 30608.2. Varying Toll Rates**

The commission may also vary, as it deems desirable, the rates applicable to vehicles operated on the San Francisco-Oakland Bay Bridge for the carriage of passengers by any municipal or public corporation, transit district, public utility district, or political subdivision, or by any transportation company operating under a certificate of public convenience and necessity.

(Amended by Stats. 1980)

### **§ 30610. Payment of Operation and Maintenance Costs of Terminal Building**

Expenditures for maintenance and operation of the Terminal Building in San Francisco shall be proper charges against the revenues of the San Francisco-Oakland Bay Bridge.

(Added by Stats. 1959)

## **SAN PEDRO-TERMINAL ISLAND**

### **ARTICLE 3**

#### **San Pedro-Terminal Island Bridge**

### **§ 30680. “Toll Bridge” Defined**

As used in this article, “toll bridge” means a toll bridge with at least four lanes, across Los Angeles Harbor from San Pedro at or near Boschke Slough to Terminal Island, and the approaches thereto.

(Added by Stats. 1958)

### **§ 30682. Transfer and Expenditure of Funds**

For the purpose of providing funds for all engineering, traffic, and financial studies and expenses in connection with the financing and the preparation of the necessary surveys, plans, specifications, and estimates of cost for the construction of the toll bridge, and for the purpose of providing such additional funds, over and above the amount which can be raised through the issuance of revenue bonds, as may be necessary in order to complete the financing of the toll bridge, the commission may, from time to time, direct the State Controller to transfer to the commission, for expenditures by the department, the following amounts:

(a) From money in the State Highway Account required to be expended for the construction of state highways in the County of Los Angeles pursuant to former Section 188.4, as repealed by Chapter 1386 of the Statutes of 1963, a sum sufficient to complete the project over and above the amounts made available from the proceeds of revenue bonds and the amounts made available in subdivisions (b) and (c).

(b) Not to exceed the total of two million dollars (\$2,000,000) from money in the Highway Users Tax Account in the Transportation Tax Fund available for apportionment to the County of Los Angeles. Any amount so transferred shall be deemed to be in the Highway Users Tax Account for

the purpose of making the apportionments from that account, but the amount payable to the County of Los Angeles from the Highway Users Tax Account shall be reduced by an amount equal to the transfers so made.

(c) Not to exceed the total of two million dollars (\$2,000,000) from money in the State Highway Account available for allocation and expenditure for city streets within the City of Los Angeles pursuant to Section 2107. Any amount so transferred shall be deemed to be in the State Highway Account for the purpose of making the allocations mentioned in Section 2107, but the amount expended from the State Highway Account for city streets within the City of Los Angeles shall be reduced by an amount equal to the transfers so made.

Of the first nine million dollars (\$9,000,000) required for the purpose of completing the project over and above the amount available from the sale of revenue bonds, the transfer shall be made from the above sources as follows: Five-ninths from the State Highway Account, two-ninths from the funds mentioned in subdivision (b) and two-ninths from the funds mentioned in subdivision (c). Additional necessary amounts shall be transferred from the State Highway Account upon resolution of the commission. The transfers shall be paid out or disbursed solely for the studies and expenses above mentioned and the preparation of the necessary surveys, plans, specifications, and estimates of cost, and for the construction of the toll bridge and the acquisition of the necessary lands and easements therefor. Any amount of the transfers not so expended shall be returned to the particular portion of the account from which it was transferred and shall be apportioned or allocated from the account and expended as if the transfer had not been made.

(Amended by Stats. 1980)

### **§ 30683. Repayment**

The amounts transferred pursuant to Section 30682 shall be repaid to the respective accounts from which transferred, but no repayment thereof shall be required until all obligations issued by the commission for the construction of the toll bridge and all bonds issued for refunding of the bonds and for additions, betterments, and extensions to the toll bridge, including new and additional approaches thereto, have been fully redeemed and paid, and then only out of the tolls and revenue received from the operation of the toll bridge.

(Amended by Stats. 1967)

### **§ 30684. Continuation of Tolls**

After all bonds issued for the construction of the toll bridge and all bonds issued for refunding of the bonds and for additions, betterments, and extensions to the toll bridge, including new and additional approaches thereto, have been fully redeemed and paid, the commission shall continue to collect tolls and other revenues for the use of the toll bridge for the purpose of repaying the respective accounts from which money has been transferred pursuant to Section 30682. The amount so repaid to any such account shall be returned to the particular portion of the account from which it was transferred and shall be apportioned or allocated from the account and expended as if the transfer had not been made. Upon repayment of all the accounts, the bridge shall thereafter be maintained and operated free of tolls or the rate of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper operation, maintenance, and insurance of the toll bridge under economical management.

(Amended by Stats. 1980)

### **§ 30685. Operation and Maintenance Costs**

The cost of operation of the toll bridge, including the cost of insurance against loss of tolls or other revenue therefrom, shall be paid from the tolls and revenue received from the use and opera-

tion of said bridge. The cost of physical maintenance, including the cost of insurance of said bridge against all risks, shall be paid by the department as provided in Section 188.3 of this code.

The commission shall transfer fifteen million dollars (\$15,000,000) to the Toll Bridge Seismic Retrofit Account in the State Transportation Fund from funds in the Vincent Thomas Toll Bridge Revenue Account.

(Amended by Stats. 1997)

## **ARTICLE 4**

### **Bridges Across Carquinez Straits**

#### **§ 30750. Definitions**

As used in this article:

(a) "Existing bridge" means that certain bridge across the Carquinez Straits near Crockett, known as the Carquinez Bridge, together with any existing or new and additional approaches thereto necessary or desirable to connect with the present State Highway Routes 7 and 14, or any realignment thereof, which approaches shall extend, constructed to freeway standards, to a point approximately four and one-half miles north of the north end of the bridge, which point is just north of the Greenfield Avenue intersection, and to a point approximately four miles south of the south end of the bridge, which point is just north of the intersection of Routes 14 and 106.

(b) "Additional Carquinez Bridge" means a new toll bridge across the Carquinez Straits near Crockett, to be located approximately parallel to and upstream from the existing bridge, together with all approaches thereto necessary or desirable to connect with the present State Highway Routes 7 and 14 or any realignment thereof, which approaches shall extend, constructed to freeway standards, to a point approximately four and one-half miles north of the north end of the bridge, which point is just north of the Greenfield Avenue intersection, and to a point approximately four miles south of the south end of the bridge, which point is just north of the intersection of Routes 14 and 106, and toll collection facilities to serve both the existing bridge and the additional toll bridge.

(c) "Benicia-Martinez Bridge" means a new toll bridge across Carquinez Straits and connecting, with suitable approaches, the Cities of Benicia and Martinez, such approaches to include improvements southerly to a connection with Route 106 and northerly to a connection with Route 74, approximately one-half mile northwesterly from Second Street, in the City of Benicia, and an improvement with necessary or desirable realignment of Route 74 northerly to a connection with Route 7 near Cordelia, and toll collection facilities for the bridge.

(Amended by Stats. 1980)

#### **§ 30751. Authority of Department**

The department is authorized to lay out, acquire and construct the additional Carquinez Bridge and the Benicia-Martinez Bridge as defined in this article, and to make such modification improvement and reconstruction of the existing bridge as is necessary adequately to handle anticipated traffic and permit the collection of tolls. The existing bridge and the additional Carquinez Bridge may be operated as a single unit.

(Added by Stats. 1955)

#### **§ 30752. Bonds**

For the purpose of obtaining funds to carry out the provisions of this article, the commission is authorized to issue revenue bonds. Except as herein otherwise provided, the provisions of the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000)) are hereby made applicable to the revenue bonds, and the commission and the department are authorized to do any and all things pursuant to law necessary to finance, construct, and complete the bridges mentioned in this article and the improvement of the existing bridge.

The commission may authorize the issuance of bonds in series in an amount estimated to be sufficient to complete the entire work authorized hereunder in successive stages, and may provide for the issuance and sale of sufficient revenue bonds to finance the construction of the additional Carquinez Bridge and the modification, improvement, and reconstruction of the exiting bridge as the initial stage of such work. The commission may insert, in the bond indenture or resolution authorizing the bonds, such conditions as it deems necessary upon the issuance and sale of the additional bonds necessary to finance the acquisition, construction, and completion of the Benicia-Martinez Bridge.

The revenues of each bridge need not be accounted for separately, but may be allocated as security for all the bonds issued or to be issued hereunder as the commission may determine. (Amended by Stats. 1980)

#### § 30753. Tolls

The commission is hereby authorized to reimpose tolls upon the existing bridge and to continue to collect tolls thereon for the purposes of this article, the collection of the tolls to commence upon the date the additional Carquinez Bridge is opened to public traffic. The commission is likewise authorized to impose tolls upon the use of the additional Carquinez Bridge when it is opened to public traffic and the Benicia-Martinez Bridge when it is opened to public traffic. The commission may provide for the collection of tolls upon the existing bridge and the additional Carquinez Bridge under such rules and regulations as the commission deems necessary in order to operate both bridges as a single toll bridge. No tolls shall be charged for the use only of the approaches of any of the bridges as the approaches are defined in Section 30750.

Subject to the limitations provided in this article, the tolls shall be used and applied as may be provided in a bond indenture or resolution of the commission authorizing the issuance of bonds for (a) the payment of principal and interest on the bonds; (b) the creation, establishment, and maintenance of reserve and other funds for the protection or retirement of the bonds; (c) operation and insurance expenses; and (d) any other charges in connection with the construction, operation, insuring, and financing of the bridges and the improvement of the existing bridge as may be determined by the commission, including the establishment of rehabilitation and improvement funds for further rehabilitation and improvement of the bridges.

Tolls shall continue to be collected upon the existing bridge, the additional Carquinez Bridge, and the Benicia-Martinez Bridge until all revenue bonds issued under this article have been fully paid and retired. (Amended by Stats. 1980)

#### § 30754. Cost of Operation and Insurance

The cost of operation of the existing bridge, the additional Carquinez Bridge, and the Benicia-Martinez Bridge, including the cost of insurance against loss of tolls or other revenue therefrom shall be paid from the tolls and revenue received from the use and operation of said bridges. The cost of physical maintenance, including the cost of insurance of said bridges against all risks, shall be paid by the department out of funds available to it for the maintenance of state highways. The department shall provide all engineering services for the work authorized in this article and the cost thereof shall be paid from funds available for the construction of state highways in Solano and Contra Costa

Counties. The department shall proceed immediately with all necessary work, including but not limited to, plans, specifications, estimates of cost, traffic and financial studies for each of such bridges, to the end that each may be constructed as soon as funds can be made available from the proceeds of revenue bonds issued therefor.

(Added by Stats. 1955)

#### § 30755. Bridges Shall Become Toll Free

The bridges referred to in this article shall become toll free as soon as all bonds issued under this article are fully paid and retired.

(Added by Stats. 1955)

#### § 30756. Federal Funds

While any revenue bonds issued pursuant to this article are outstanding, at such time as funds may be made available to the State of California from any federal interstate or main line highway system program in excess of federal allotments existing on January 1, 1955, the proportionate share of such funds which would have been allotted to the bridges mentioned in this article, or any of them, or the refund obtained because of the construction thereof, to the extent permitted by federal law, shall be credited to Solano and Contra Costa Counties in the proportions expended in each county (the cost of the bridges being evenly divided) for expenditure in accordance with law for construction on the state highways located in said counties.

(Added by Stats. 1955)

#### § 30757. Benicia-Martinez Bridge; Traffic Capacity Improvement; Additional Toll Bridge

(a) Upon inclusion of the project in the state transportation improvement program by the commission, the department may design and construct traffic capacity improvements to the Benicia-Martinez Bridge.

(b) At the earliest practicable time, the department may proceed with all preliminary work on an additional toll bridge across the Carquinez Straits parallel to the Benicia-Martinez Bridge, including, but not limited to, environmental studies, layouts, traffic studies, and all other work found to be necessary for construction.

(c) The preliminary work shall be funded from that portion of the bridge revenues which exceeds the amount necessary to pay for the cost of operation and maintenance of the bridge, and to meet all obligations under the bond resolution applicable to the bridge.

(Added by Stats. 1986)

### ARTICLE 4.5

#### Antioch Bridge

#### § 30760. Definitions

As used in this article:

(a) "Existing bridge" means that bridge connecting the County of Contra Costa near Antioch with the County of Sacramento near Amelia Landing on Sherman Island, known as the Antioch Bridge, together with any existing or new or additional approaches thereto necessary or desirable to connect the present Routes 4, 84, and 160, or any realignment thereof.

(b) “New bridge” or “new Antioch Bridge” means a new high-level fixed-span bridge across the San Joaquin River near Antioch to be located approximately parallel to and downstream from the existing bridge, together with approaches thereto necessary or desirable to connect with the present Routes 4, 84, and 160, or any realignment thereof, and including necessary toll collection facilities. The new bridge shall include a lane for pedestrians and bicycles.  
(Amended by Stats. 1980)

#### § 30761. Improvement of Existing Antioch Bridge

The department is authorized to modify, improve, reconstruct, and remodel the existing bridge as is necessary to adequately handle anticipated traffic and permit the collection of tolls.  
(Added by Stats. 1972)

#### § 30762. Design and Funding of New Bridge

The department shall design and, as soon as economically feasible, construct a new Antioch Bridge. The department shall explore sources of funding other than revenue bond issuance and, if possible, provide a toll-free facility. In this connection, the department shall seek federal funds for construction and shall comply with all federal requirements. If the department secures federal funds for the construction of the new bridge, the department, to the extent possible, shall use federal funds, prior to using state funds or revenue bond funds, to finance such construction.  
(Added by Stats. 1972)

#### § 30762.5. Median Barrier

The new Antioch Bridge shall be constructed with a median barrier.  
(Added by Stats. 1978)

#### § 30763. Reimposition of Tolls

If the department determines that reimposition of tolls on the existing bridge will not jeopardize the possibility of obtaining federal funds to aid in financing the construction of the new bridge, the commission is authorized to reimpose tolls on the existing bridge. Revenues derived from such tolls shall be used solely for the following purposes:

(a) Modification, improvement, reconstruction, or remodeling of the existing bridge.

(b) To pay the costs of making studies and performing all preliminary work, including, but not limited to, surveys, plans, estimates of costs, right-of-way appraisals and acquisition, engineering studies, layouts, traffic studies, approach studies, consultant fees, and other preliminary expenses found by the department to be necessary preliminary to the issuance and sale of revenue bonds pursuant to the California Toll Bridge Authority Act (commencing with Section 30000) for the construction of the Antioch Bridge Toll Revenue Fund, which is hereby created, and shall be available for expenditure without regard to fiscal years.

(c) As security for the payment of revenue bonds issued to finance the construction of the new Antioch Bridge; provided, however, that the department may discontinue operation of the existing bridge upon the opening of the new Antioch Bridge to traffic.  
(Added by Stats. 1972)

#### § 30764. Revenue Bonds

For the purpose of obtaining funds to finance the construction of the new Antioch Bridge, the commission is authorized to issue revenue bonds. Notwithstanding any other provision of law,

revenue bonds sold for any purpose authorized by this article may be sold at an interest rate not exceeding 8 percent per year.

Except as herein otherwise provided, the provisions of the California Toll Bridge Authority Act (commencing with Section 30000) are hereby made applicable to such revenue bonds, and the commission and the department are authorized to do any and all things pursuant to law necessary to finance and to construct the new Antioch Bridge.

The commission may insert in the bond indenture, or the resolution authorizing such bonds, such conditions as it deems necessary. The commission shall pledge the revenues of the new Antioch Bridge, from and after the date it is opened to traffic, as security for the payment of such bonds. (Amended by Stats. 1980)

#### § 30764.5. Benicia Viaduct Ramps

In the revenue bond issue to finance the construction of a new Antioch Bridge, the commission shall include an amount sufficient to finance the construction of (a) the on and off ramps on Route 21 to Bayshore Road and Channel Road, also designated as the Benicia Viaduct ramps, pursuant to Section 321.1; and (b) the West Seventh Street and Route 680 Interchange in Benicia pursuant to Section 620.1.

(Amended by Stats. 1980)

#### § 30765. Revenues of Other Bridges Pledged

As an alternative method of financing the new Antioch Bridge and such construction as specified in Section 30764.5, the commission may issue revenue bonds secured by a pledge of the revenues of the new Antioch Bridge and, on and after December 1, 1979, of the parallel Carquinez Bridges and the Benicia-Martinez Bridge.

If the work is so financed, all revenues collected from the operation of the existing bridge and new Antioch Bridge shall be paid into the same fund as revenues derived from the Carquinez Bridges and Benicia-Martinez Bridge and shall be available for expenditure for the same purposes as the revenues from those bridges.

(Amended by Stats. 1975)

#### § 30766. Single Unit Operation of Bridges

If the revenue bonds to finance the construction of the new Antioch Bridge are secured by a pledge of the revenues of the parallel Carquinez Bridges, the Benicia-Martinez Bridge, and the new Antioch Bridge, as authorized by Section 30765, all of these bridges may be operated as a single unit. The revenues of each of such bridges need not be accounted for separately, but may be allocated as security for all of the bonds issued, or to be issued, by the commission for these bridges.

(Amended by Stats. 1980)

#### § 30767. Operation of Vehicle or Passenger Ferry

Should at any time it become necessary to operate a vehicle or passenger ferry as a substitute for the existing bridge when it is obstructed to traffic because of accident thereto or repair thereof, or is for any reason unable to fully accommodate traffic, any excess of revenue over expenses of operation of that ferry shall be deposited in the Antioch Bridge Toll Revenue Fund, or, if the alternative method of financing authorized by Section 30765 is used, in the same fund as revenues derived from the parallel Carquinez Bridges and the Benicia-Martinez Bridge are deposited in.

(Added by Stats. 1972)



## **ARTICLE 5**

### **San Francisco-Oakland Rapid Transit Tube**

## **ARTICLE 6**

### **San Mateo-Hayward and Dumbarton Bridges**

#### **§ 30790. San Mateo-Hayward and Dumbarton Bridges**

(a) The San Mateo-Hayward Bridge is the bridge, together with necessary approaches, across San Francisco Bay connecting the County of San Mateo near the City of San Mateo with the County of Alameda near Mount Eden. The approaches to the bridge shall include, but not be limited to, the following:

- (1) An approach along Route 92 to Route 101, including the interchange between Routes 92 and 101, in the County of San Mateo.
- (2) An approach along Route 92 to a point at or near the junction of Routes 17 and 92, in the County of Alameda.
- (3) An interchange between Route 17 and 238, in the County of Alameda.
- (4) The portion of Route 17 between Route 92 and Route 238, in the County of Alameda.

(b) The Dumbarton Bridge is the vehicle bridge across San Francisco Bay, together with necessary approaches, connecting the County of San Mateo near Menlo Park with the County of Alameda near Fremont.

(Amended by Stats. 1978)

#### **§ 30791. Improvements Authorized**

The department is authorized to modify, improve, reconstruct, and remodel the San Mateo-Hayward Bridge as is necessary to adequately handle anticipated traffic and permit the collection of tolls.

(Amended by Stats. 1961)

#### **§ 30791.7. Pledge of Revenues for Approach Construction-San Mateo-Hayward Bridge**

(a) The California Transportation Commission, subject expressly to the provisions of any bond resolution adopted by the California Toll Bridge Authority Act for the purpose of financing construction of the new Dumbarton Bridge, may pledge and use revenues derived from the operation of the San Francisco-Oakland Bay Bridge, the San Mateo-Hayward Bridge, the existing Dumbarton Bridge, and the new Dumbarton Bridge upon its opening to traffic for the purpose of financing construction of the approaches to the San Mateo-Hayward Bridge as described in subdivision (a) of Section 30790, including pledging revenues for the payment of revenue bonds issued to finance such construction. This action shall be taken by the California Transportation Commission, only if a study, which shall be conducted by the Metropolitan Transportation Commission of alternative means of financing the approaches recommends that the financing be, in whole or in part, by toll revenues, including the issuance of bonds. In that event, the California Transportation Commission may adopt a plan for the financing and construction of the approaches based on the recommendations submitted by the Metropolitan Transportation Commission.

(b) In authorizing such construction, the Legislature hereby finds and declares that the revenues derived from the operation of the San Francisco-Oakland Bay Bridge, the San Mateo-Hayward Bridge, and the Dumbarton Bridge may be used to finance the completion of the approach system to the San Mateo-Hayward Bridge.

(Added by Stats. 1978)

### **§ 30792. Issuance of Revenue Bonds**

For the purpose of obtaining funds to carry out the provisions of this article, the commission is authorized to issue revenue bonds. Except as otherwise provided in this section, the provisions of the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000)) are hereby made applicable to the revenue bonds, and the commission and the department are authorized to do any and all things pursuant to law necessary to finance, reconstruct, and improve the San Mateo-Hayward Bridge and to refinance the Dumbarton Bridge. The commission may authorize the issuance of bonds in series in an amount estimated to be sufficient to complete the entire work authorized in successive stages. The commission may insert, in the bond indenture or resolution authorizing the bonds, such conditions as it deems necessary.

(Amended by Stats. 1980)

### **§ 30792.2. Revenue Bonds for New Dumbarton Bridge**

Upon completion of the studies and preliminary work provided for in Section 30792.1, the California Toll Bridge Authority shall, as promptly as feasible, issue revenue bonds to finance the construction of a new Dumbarton Bridge. Such bonds shall be secured by the revenues deposited in the San Francisco-Oakland Bay Bridge Toll Revenue Fund as provided by Chapter 1 (commencing with Section 30000) of this division and by Section 30794. Such issue of revenue bonds may, to the extent that the authority determines feasible, include funds in an amount sufficient to widen the San Mateo-Hayward Bridge trestle. Such financing shall be undertaken only to the extent that the authority finds on the basis of the estimates of cost, that anticipated revenue available to it will be sufficient to meet its obligations with respect to the financing of the San Francisco-Oakland Rapid Transit Tube.

The department having completed its studies for the new Dumbarton Bridge in consultation with the public agencies in whose territory the approaches thereto are located, and the department having completed the environmental impact report on the project, the Legislature finds and declares that the requirements imposed by Chapter 492 of the Statutes of 1972 have been met. The Legislature further declares that the department is authorized to proceed immediately with the construction of the new Dumbarton Bridge and approaches without obtaining further approvals, provided, that the westerly approaches shall include a west approach, a University Avenue connection to the west approach, a Marsh Road connection to the west approach, and a Willow Road connection to the west approach, all located as follows:

The west approach shall commence at the west end of the new bridge and extend along the present westerly Willow Road approach approximately 9,000 feet to a point 450 feet east of the Southern Pacific railroad tracks.

The Willow Road connection to the west approach shall connect to the west approach at its west end and extend along present Willow Road to its intersection with Route 101, a distance of approximately 4,900 feet.

The University Avenue connection to the west approach shall connect to the west approach commencing at a point approximately 6,000 feet west of the west abutment of the existing bridge where it intersects the west approach and extend in a southerly direction to connect with existing University Avenue at Purdue Avenue and along existing University Avenue to Notre Dame Avenue, a distance of approximately 4,000 feet.

The Marsh Road connection to the west approach shall connect with the west approach at a point approximately 450 feet east of the Southern Pacific railroad tracks and extend westerly along a 100-foot wide right-of-way, formerly subject to an easement held by the San Francisco Water Department, to the Marsh Road and Route 101 interchange, a distance of approximately 9,500 feet.

Nothing herein shall be construed to prevent the department from changing the location of any approach or approach connection or from adding any additional approach or approach connection if such change or addition is consented to by the local agencies through which it passes and by the San Francisco Bay Conservation and Development Commission.

(Amended by Stats. 1976)

### **§ 30793. Single Unit Operation**

The department is authorized to operate the San Mateo-Hayward and Dumbarton Bridges as a single unit, and shall continue to collect tolls on both bridges for purposes of paying any bonded indebtedness presently outstanding or which may be incurred pursuant to this article. Subsequent to a refinancing of any outstanding bonded indebtedness on both bridges, the revenues of each bridge need not be accounted for separately but may be allocated as security for all of the bonds issued pursuant to this article. The tolls shall be used and applied, as may be provided in a bond indenture or resolution of the commission authorizing the issuance of bonds, for (a) the payment of principal and interest on the bonds; (b) the creation, establishment, and maintenance of reserve and other funds for the protection or retirement of the bonds; (c) operation and insurance expenses; (d) the repayment of the State Highway Account for moneys expended pursuant to Chapter 2416 of the Statutes of 1957; and (e) any other charges in connection with the reconstruction, improvement, operation, insuring, maintenance, and financing of the San Mateo-Hayward Bridge and the refinancing of the Dumbarton Bridge as may be determined by the commission, including the establishment of rehabilitation and improvement funds for further rehabilitation and improvement of the San Mateo-Hayward Bridge and the Dumbarton Bridge.

(Amended by Stats. 1980)

### **§ 30794. Dumbarton and San Mateo Bridges - Prohibitions of High Occupancy Vehicle Lanes**

(a) The department may establish exclusive or preferential use of lanes on the new Dumbarton Bridge and the San Mateo Bridge and the approaches to those bridges for high-occupancy vehicles.

(b) For the purposes of this section, the new Dumbarton Bridge is that portion of State Highway Route 84 between the new Dumbarton Bridge Toll Plaza on the east side of the bay and the intersection of University Avenue on the west side of the bay.

(c) For the purposes of this section, the new Dumbarton Bridge approaches are all of the following:

(1) That portion of State Highway Route 84 between State Highway Route 101 and the bridge on the west side of the bay, known as the "Route 84 connection."

(2) That portion of University Avenue between Kavanaugh Drive and State Highway Route 84, known as the "University Avenue connection."

(3) That roadway, known as the Marsh Road connection, sometimes called the Northerly Connector, to be built from the intersection of Haven Avenue and Marsh Road, proceeding in an easterly direction to State Highway Route 84, extending along a 100-foot wide right-of-way, formerly subject to an easement held by the San Francisco Water Department.

(4) That portion of State Highway Route 84 between State Highway Route 880 and the bridge on the east side of the bay.

(d) As used in this section, "high -occupancy vehicle" means any vehicle containing two or more persons, except that the department may increase that number to three or more pursuant to subdivision (e).

(e) (1) The department shall, for purposes of this section, develop criteria for high-occupancy vehicle lanes and the occupancy requirements for vehicles using those lanes which include, but are not limited to, all of the following:

- (A) Traffic congestion based on the vehicles per hour per lane rate.
- (B) Highway safety.
- (C) Traffic volume forecasts.
- (D) Available support facilities for high-occupancy vehicles, including, but not limited to, park-and-ride lots and transit facilities.
- (E) Traffic enforcement safety.
- (F) Conformity with vehicle occupancy requirements of the surrounding area, particularly those for connecting high-occupancy vehicle routes.
- (G) Maximum utilization of lanes.
- (H) Consistency with objectives and strategies of congestion management agencies.
- (I) Conformity with regionally adopted transportation control measures, approved air quality management plans, and regional transportation plans.

(2) The department shall, using the criteria developed pursuant to paragraph (1), prepare an engineering analysis of the requirements for high-occupancy vehicles and both existing and planned high-occupancy vehicle lanes on the bridges and the approaches to the bridges. Any proposed increase in the number of occupants required for a vehicle to come within the definition a high-occupancy vehicle shall be implemented only after consulting with the Metropolitan Transportation Commission and holding a public meeting.

(3) The department shall notify the Legislature, at least 30 days prior to holding the public meeting required by paragraph (2), of any proposed increase in the number of occupants required for a vehicle to come within the definition of a high-occupancy vehicle.

(Amended by Stats. 1991)

#### **§ 30795. Cost of Operation and Maintenance**

The cost of operation of both bridges, including the cost of insurance against loss of tolls or other revenue therefrom, shall be paid from the tolls and revenue received from the use and operation of said bridges. The cost of physical maintenance, including the cost of insurance of said bridges against all risks, shall be paid by the department as provided in Section 188.3 of this code.

(Amended by Stats. 1961)

### **ARTICLE 7**

#### **San Diego-Coronado Bridge**

#### **§ 30796. Description**

The San Diego-Coronado Bridge is the bridge, together with necessary approaches, across San Diego Bay connecting the Cities of San Diego and Coronado.

(Added by Stats. 1971)

#### **§ 30796.1. Ferry System For Nonvehicular Traffic**

The department shall endeavor to obtain funds from the federal government and from other

nonstate sources to conduct a study on the feasibility of maintaining and operating a ferry system for nonvehicular traffic, such as pedestrian traffic, between the Cities of San Diego and Coronado. The department shall conduct such study only if adequate funding is obtained.

(Added by Stats. 1971)

### **§ 30796.2. Consent of Bondholders**

Upon a finding by the department that the operation of a ferry system for nonvehicular traffic between the Cities of San Diego and Coronado is feasible, the authority shall promptly take the necessary steps to secure the consent of the holders of the outstanding bonds secured by the revenues of the bridge to the operation of such a ferry system.

(Added by Stats. 1971)

### **§ 30796.3. Franchise**

Upon the authority securing the consent of the bondholders to the operation of a ferry system for nonvehicular traffic between the Cities of San Diego and Coronado, the department shall grant a franchise for the operation of such a ferry system at the earliest possible date.

(Added by Stats. 1971)

### **§ 30796.4. Net Revenues**

The net revenues received by the department from the operation of the ferry system shall be deposited in the San Diego-Coronado Toll Bridge Revenue Fund.

(Added by Stats. 1971)

### **§ 30796.7. Toll Collection**

(a) Notwithstanding any other provision of law, the San Diego Association of Governments, on behalf of the state, may impose a toll on vehicles crossing the San Diego-Coronado Bridge. The toll shall be established by the association after conducting at least one public hearing.

(b) The authority of the commission relative to tolls on the bridge is hereby transferred to the San Diego Association of Governments. All tolls on the bridge shall be at the rates established by the San Diego Association of Governments, except that at no time shall the rate of the toll for Class 1 vehicles exceed one dollar and fifty cents (\$1.50) per vehicle.

(c) (1) The revenues from any tolls imposed on the bridge shall be used first for expenses related to the collection of tolls and operation of the bridge, including, but not limited to, reimbursement for any operating and retrofitting costs and, second, for improvements to the bridge and its approaches. Tolls shall be established at an amount which will generate revenue sufficient to meet the requirements set forth in this paragraph, as determined by the department. Maintenance of the bridge shall be funded by the state pursuant to Section 188.4.

(2) The revenues from any tolls imposed on the bridge may also be used for costs incurred by the San Diego Association of Governments in administering this section and for any of the following:

(A) Transportation services that either increase the capacity of the bridge and its approaches or reduce the demand for travel in the transportation corridor that includes the bridge.

(B) Alternative forms of transportation, within the transportation corridor that includes the bridge, that reduce congestion and air pollution, including, but not limited to, ferry service and public transit.

(C) Capital improvements and related expenditures within the transportation corridor for construction and maintenance of bikeways.

(d) For the purposes of this section, "transportation corridor" means the San Diego-Coronado Bridge and its approaches which extend from Route 5 in the City of San Diego to the North Island Naval Air Station via Route 282, and to the Naval Amphibious Base via Route 75 in the City of Coronado.

(e) All money deposited in the San Diego-Coronado Toll Bridge Revenue Fund prior to March 26, 1992, and not expended, encumbered, or programmed before January 1, 1994, is appropriated to the Controller for allocation to the San Diego Association of Governments for the purposes of paragraph (2) of subdivision (c).

(f) The San Diego Association of Governments shall include in the regional transportation improvement program, and every update thereof, an expenditure plan specifying the projects and programs that are to be funded with toll revenues.

(g) If the San Diego Association of Governments, in behalf of the state, imposes tolls pursuant to subdivision (a), it shall reimburse the department for costs incurred by the department in operating the bridge, collecting tolls, and performing other related services. The association and the department shall enter into an agreement which provides for the full reimbursement of the department for all operating costs.

(h) The San Diego Association of Governments, shall prepare an annual audit of expenditures that are funded with toll revenues. The audit shall be funded solely with toll revenues and shall not include expenditures made by the department. The association shall review the annual financial report on state-owned toll bridges that is prepared by the department for revenues collected under this section.

(Amended by Stats. 1997)

#### **§ 30796.8. Credit Basis**

The department may permit any class of vehicles to use the San Diego-Coronado Bridge on a credit basis without posting the security required by section 30158.

(Added by Stats. 1988)

#### **§ 30796.9. Seismic Retrofit Account**

(a) The San Diego Association of Governments shall deposit thirty-three million dollars (\$33,000,000) in the Toll Bridge Seismic Retrofit Account in the State Transportation Fund.

(b) On or before January 1, 1998, the San Diego Association of Governments shall submit to the Legislature and the department a financial plan for the transfer of thirty-three million dollars (\$33,000,000) on or before July 1, 2000, to the Toll Bridge Seismic Retrofit Account in the State Transportation Fund.

(c) Maintenance of the San Diego-Coronado Bridge shall be funded by the state pursuant to Section 188.4.

(d) Of the thirty-three million dollars (\$33,000,000) in local funds to be paid by the San Diego Association of Governments as the local toll authority for the San Diego-Coronado Bridge, not less than ten million dollars (\$10,000,000) shall be paid from local toll revenue reserve funds. The balance of funds shall be paid from toll bridge revenue bonds, as specified in Section 30796.10, supported by toll revenue. This revenue shall consist of the net toll revenue gained from shifting the cost of bridge maintenance to be funded by the state pursuant to Section 188.4 and by all of part of the remaining toll revenues.

(Added by Stats. 1997)

#### **§ 30796.10. Toll Bridge Revenue Bonds**

(a) The San Diego Association of Governments may issue bonds payable from the revenues

derived from the tolls imposed on the bridge. The bonds may be issued by the San Diego Association of Governments at any time, and from time to time payable from the revenues from the tolls. The bonds shall be referred to as “toll bridge revenue bonds.” The association shall be an instrumentality of the state for the purposes of those issuances.

(b) The revenues from the tolls on the bridge shall be subject to a statutory lien in favor of the bondholders to secure all amounts due on the bonds and in favor of any provider of credit enhancement for the bonds to secure all amounts due to the provider with respect to those bonds. The lien shall immediately attach to the toll revenues and be effective, binding, and enforceable against the San Diego Association of Governments, its successors, creditors, and all others asserting the rights therein, irrespective of whether those parties have notice of the lien and without the need for any physical delivery, recordation, filing, or further act. The toll revenues shall remain subject to the lien until all bonds are paid in full or provisions are made therefor. The bridge shall not become a free public bridge until that time.

(c) The liens on toll revenues created by this section shall be subject to expenditures for the collection of tolls, if those expenditures are not otherwise provided for by statute, but shall have priority over the use of any of the toll revenues for improvements undertaken pursuant to the authorization contained in subdivision (c) of Section 30796.7.

(d) Toll bridge revenue bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by the San Diego Association of Governments by a majority vote of the governing board of the association.

The San Diego Association of Governments may from time to time, issue bonds in accordance with the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), for the purpose of constructing, improving, or equipping the bridge, or for any of the purposes authorized by Section 30796.7 for the expenditure of toll revenues. Operation of the bridge shall constitute an “enterprise” within the meaning of Section 54309 of the Government Code, and the San Diego Association of Governments shall constitute a “local agency” within the meaning of Section 54307 of the Government Code. Article 3 (commencing with Section 54380) of Chapter 6 of Part 1 of Division 2 of Title 5 of the Government Code shall not apply to the issuance and sale of bonds pursuant to this section. Instead, the San Diego Association of Governments shall authorize the issuance of bonds by resolution, which resolution shall specify all of the following:

- (1) The purposes for which the bonds are to be issued.
- (2) The maximum principal amount of the bonds.
- (3) The maximum term for the bonds.

(e) The maximum rate of interest to be payable upon the bond which interest rates shall not exceed the maximum rate specified in Section 53531 of the Government Code. The rate may be either fixed or variable and shall be payable at the times and in the manner specified in the resolution.

(f) Interest on any bonds issued pursuant to this section shall at all times be free from state personal income tax and corporate income tax.

(g) Any bonds issued pursuant to this section are a legal investment for all trust funds; for the funds of insurance companies, commercial and savings banks, and trust companies; and for state school funds. Whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, counties, school districts, or other districts within the state, those funds may be invested in the bonds issued pursuant to this section, and whenever bonds of cities, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public money, the bonds issued pursuant to this section may be so used. The provisions of this section are in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

(h) The State of California pledges and agrees with the holders of the bonds issued pursuant to this chapter, and with those parties who may enter into contracts with the San Diego Association of Governments pursuant to the provisions of this chapter, that the state will not limit, alter, or restrict the rights hereby vested in the San Diego Association of Governments to finance the toll bridge improvements and other projects and programs authorized by this chapter. The State of California pledges and agrees not to impair the terms of any agreements made with the holders of bonds, and with the parties who may enter into contracts with the San Diego Association of Governments pursuant to this chapter, and pledges and agrees not to impair the rights or remedies of the holders of any revenue bonds or any parties until the bonds, together with interest, are fully paid and discharged and any contracts are fully performed on the part of the San Diego Association of Governments.

(i) The San Diego Association of Governments may include the pledges made under this section in its revenue bonds.

(Added Stats. 1997)



## **CHAPTER 3**

### **Toll Bridges, Toll Roads, and Toll Ferries Generally**

#### **ARTICLE 1**

##### **Franchises**

##### **§ 30800. Power of Department**

The department has exclusive jurisdiction and, except as provided in this article, may grant upon the terms, limitations, conditions, and restrictions and under the supervision as in its judgment are necessary or proper, franchises, privileges, or licenses for the construction or operation of toll bridges, toll roads, and toll ferries and for the taking and keeping of tolls from the bridges, roads, and ferries situated wholly or in part within the state. "Toll ferries" do not include vessels operated by common carriers providing transportation service subject to the jurisdiction of the Public Utilities Commission.

(Amended by Stats. 1986)

##### **§ 30801. License**

The department shall require the grantee of any such franchise, privilege, or license to pay a license tax or fee of not less than ten dollars (\$10) or more than one hundred dollars (\$100) a month, the amount of which shall be fixed in the franchise.

(Added by Stats. 1947)

##### **§ 30802. Regulation of Tolls**

The department may fix the rate of tolls, and from time to time regulate, modify, and change any such tolls which may be collected on any toll bridge, toll roads, or toll ferries which are built, constructed, or established pursuant to this article.

(Added by Stats. 1947)

##### **§ 30803. Hearings and Findings**

The rate of toll fixed, regulated, modified, or changed shall be determined by the department after hearing has been had thereon and a written finding rendered. Findings rendered by the department are conclusive as to the facts recited therein.

(Added by Stats. 1947)

##### **§ 30804. Conditions of Franchise**

The department may provide as a condition or limitation in any franchise granted pursuant to this article for the purchase or retaking of any toll bridge, toll road, or toll ferry constructed or established by virtue of a franchise issued pursuant to this article, upon such terms and conditions as are determined by the department at the time of the execution of the franchise. The conditions and limitations upon which any franchise is granted shall be set forth in full in the instrument executed evidencing the granting of the franchise.

(Added by Stats. 1947)

### **§ 30805. Financial Records and Report**

Every person operating any toll road, toll bridge, or toll ferry within the State under any franchise granted pursuant to this article shall keep an accurate account showing the following:

(a) The cost of construction thereof, and the amount expended in keeping such toll road, toll bridge, or toll ferry in repair.

(b) The cost for operation and maintenance thereof.

(c) A record of the true financial condition of such person. On or before March 15th of each year, he shall file with the department a statement for the preceding calendar year setting forth such information, verified by himself, or if a firm, association, or corporation by some member or officer thereof having knowledge of the facts.

(Added by Stats. 1947)

### **§ 30806. Uniform System of Accounts**

The department shall prescribe:

(a) A uniform system of accounts for all such toll roads, toll bridges, and toll ferries.

(b) The manner in which the account of costs of construction, repair, operation and maintenance thereof and the annual statement of expenditures and revenues shall be kept.

(c) The forms of the statements required by this article.

(Added by Stats. 1947)

### **§ 30807. Regulations**

The department may make orders and prescribe rules and regulations with respect to toll roads, and toll bridges, or toll ferries in conformity with this article.

(Added by Stats. 1947)

### **§ 30808. Disposition of Fees**

All money received from any franchise granted by the department pursuant to this article shall be deposited in the State Highway Account.

(Amended by Stats. 1980)

### **§ 30809. Enforcement and Administration**

The enforcement and administration of this article is declared to be a part of the highway program of the state, and all necessary expenditures of the department therefor are payable out of the State Highway Account.

(Amended by Stats. 1980)

#### **§ 30809.1. Enforcement Costs**

Private entities shall reimburse the Department of the California Highway Patrol for the actual costs incurred by that department for traffic enforcement services rendered pursuant to subdivision (a) of Section 23251 of the Vehicle Code on toll highways which are publicly owned and privately operated. All funds collected by the Department of the California Highway Patrol shall be deposited in the Motor Vehicle Account in the State Transportation Fund.

(Added by Stats. 1992 )

### **§ 30810. Limitation of Power of Supervisors**

The board of supervisors shall not grant franchises and licenses for the construction, taking, and keeping of tolls on roads, bridges, and ferries in its county.

(Added by Stats. 1947)

### **§ 30811. Exceptions**

This article does not apply to any of the following:

(a) Any person who on August 14, 1929, held a franchise for a toll bridge or toll road or operated a toll bridge or toll road under such a franchise, or to any toll road or toll bridge franchise existing on that date.

(b) Any person who on August 21, 1933, held a franchise for a toll ferry or operated a toll ferry under such a franchise, or to any toll ferry franchise existing on that date.

(c) Any toll ferry operated or to be operated by a municipality.

(Added by Stats. 1947)

### **§ 30812. Application of Article**

This article does not prevent the State, or any city, county, incorporated bridge and highway district, or joint highway district from acquiring or constructing toll roads, toll bridges, and toll ferries under the restrictions imposed by any law authorizing the construction, acquisition, or condemnation of toll roads, or toll bridges through the use of revenue bonds.

(Added by Stats. 1947)

### **§ 30813. Revenue Bond Acts**

This article does not conflict in any manner with any law authorizing the construction, acquisition, or condemnation of toll roads or toll bridges through the use of revenue bonds.

(Added by Stats. 1947)

## **ARTICLE 2**

### **Regulations**

#### **§ 30840. Necessity of Franchise**

No person shall construct or take tolls on a bridge or ferry unless authorized by the governmental agency which has or had power to issue a franchise therefor.

(Added by Stats. 1947)

#### **§ 30841. Toll Collection Without Authority**

Any person who without authority of law demands or receives compensation for the use of bridge or ferry or sets up or keeps any road, bridge, ferry, or constructed ford for the purpose of receiving any remuneration for its use if guilty of a misdemeanor.

(Added by Stats. 1947)

#### **§ 30843. Operation of Vehicle**

Any person who operates a motor vehicle over a toll bridge or toll highway crossing and the approaches thereto constructed or acquired by any bridge and highway district, at the entrance to which appropriate signs have been erected to notify traffic that it is entering upon a toll bridge crossing or its approaches and is subject to the payment of tolls beyond the sign, is guilty of a misdemeanor in each of the following cases:

- (a) If the person refuses to pay the tolls.
- (b) If the person turns, or attempts to turn, the vehicle around in the bridge, approach, or toll plaza where signs have been erected forbidding the turning.
- (c) If the person refuses to pass through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

(Amended by Stats. 1995)

#### **§ 30844. Destruction of Toll House or Gate**

Any person who maliciously injures or destroys any toll house or gate is guilty of a misdemeanor.

(Added by Stats. 1947)

#### **§ 30845. Keeping Ferry**

Any person who enters into an undertaking to keep and attend a ferry and violates the conditions of such undertaking is guilty of a misdemeanor.

(Added by Stats. 1947)

#### **§ 30847. Dissolution of Toll Bridge or Ferry Corporation**

Every corporation incorporated for the purpose of operating a toll bridge or toll ferry may be dissolved in any of the following cases:

- (a) If within one year after filing its articles of incorporation, it has not obtained such authority from the governmental agency having authority to issue a franchise therefor, and if within one year thereafter it has not commenced the construction of the bridge, and if within two years after obtaining such authority, there has not been actually expended thereon a sum equal to at least 10 percent of the issued capital stock of the corporation.
- (b) If within seven years after the time the authority to construct the bridge was granted, or any lawful extension thereof, the bridge is not completed. The governmental agency may from time to time by order extend the time of completion beyond seven years, if the actual and physical work of constructing the bridge has been diligently prosecuted from the time of commencement up to the time that application for such extension is presented to it.
- (c) If the bridge of the corporation is destroyed and is not reconstructed and ready for use within three years thereafter.
- (d) If the ferry of any such corporation is not in running order within one year after authority is obtained to establish it, or if at any time thereafter the corporation ceases for a like term consecutively to perform the duties imposed by law.

(Added by Stats. 1947)

### **ARTICLE 3**

#### **Toll Bridges Under Franchises Granted Prior to 1929 and Toll Ferries Under Franchises**

## **Granted Prior to 1933**

### **§ 30860. Application of Article**

This article applies only to the following:

(a) Any person who on August 14, 1929, held a franchise for a toll bridge or operated a toll bridge under such a franchise, or to any toll bridge franchise existing on that date.

(b) Any person who on August 21, 1933, held a franchise for a toll ferry or operated a toll ferry under such a franchise, or to any toll ferry franchise existing on that date.

This article does not apply to or affect any ferry owned or operated as a municipal ferry by any city over waters situated in whole or in part within the limit of such city.

(Added by Stats. 1947)

### **§ 30861. Change in License Tax or Toll Rate**

The license tax and rate of toll as originally fixed by the board of supervisors shall not be increased or diminished at any time during the term of 20 years, unless it is shown to the satisfaction of the board of supervisors that the receipts from tolls in any one year is disproportionate to the cost of construction or erection, or the fair cash value thereof, together with the cost of all necessary repairs and maintenance of the bridge or ferry. The license tax fixed by the board shall not exceed 10 percent of the tolls annually collected.

(Added by Stats. 1947)

### **§ 30862. Annual Reports**

Every owner or keeper of a toll bridge or ferry shall report annually to the board of supervisors from which his license is obtained, under oath, the following facts:

(a) The actual cost of the construction or erection or equipment of the toll bridge or ferry.

(b) The repairs made during the preceding year and the actual cost thereof.

(c) The expense of labor, hire of agents, and other costs necessarily incurred in and about the conduct of the business.

(d) The amount of amortization and taxes actually paid in and about the conduct of business.

(e) The amount of tolls collected.

(f) The estimated actual cash value of the bridge or ferry exclusive of the franchise.

(Added by Stats. 1947)

### **§ 30863. Toll Bridge and Ferry Corporations**

The president and secretary of every toll bridge and toll ferry corporation shall annually, under oath, report to the board of supervisors of the county in which the articles of incorporation are filed:

(a) The cost of constructing and providing all necessary appendages and appurtenances for the bridge, or ferry.

(b) The amount of all money expended thereon since its construction for repairs and incidental expenses.

(c) The amount of its capital stock, amount paid in, and the amount thereof actually expended.

(d) The amount received during the year for tolls, and from all other sources, stating each separately.

(e) The amount of dividends made, and the indebtedness of the corporation, specifying for what it was incurred.

(f) Such other facts and particulars respecting the business of the corporation, as the board of

supervisors requires.

The president and secretary shall cause the report to be published for four weeks in a daily newspaper published nearest the bridge or ferry, if required by order of the board of supervisors.

Any corporation failing to make such report is subject to a penalty of two hundred dollars (\$200), and for every week permitted to elapse after such failure an additional penalty of fifty dollars (\$50), payable in each case to the county from which the authority of the corporation was derived. All violations shall be reported by the board of supervisors to the district attorney, who shall commence an action therefor.

(Added by Stats. 1947)

#### **§ 30864. Fixing License Tax and Toll Rates: Factors Considered**

Whenever the board of supervisors is about to fix the license tax and rate of tolls on a bridge or ferry it shall make inquiry into the present actual cash value and the cost of all necessary repairs and maintenance thereof, and for that purpose may examine, under oath, the owner or keeper and other witnesses, and the assessed value of the bridge or ferry on the assessment-roll of the county.

(Added by Stats. 1947)

#### **§ 30865. Appraisers**

If the estimate of the board is not agreed to by the owner or keeper of the bridge or ferry, it shall be fixed by three commissioners, one to be appointed by the board, one by the owner and keeper, and the third by the judge of the superior court, who shall hear testimony and fix the value and cost according to the facts, and report it to the board of supervisors under oath. In all estimates of the fair cash value of the bridge or ferry the value of the franchise shall not be taken into consideration.

(Added by Stats. 1947)

#### **§ 30866. Fixing License Fee and Toll Rate**

When the cost of construction or erection and equipment of the bridge or ferry, or the fair cash value thereof, together with the cost of needed repairs and the conduct and maintenance thereof, is ascertained and fixed for the preceding year, the board shall on such ascertained amount fix the annual license tax, rate of tolls, and the amount of the penal bond, and direct a license to be issued by the clerk.

(Added by Stats. 1947)

#### **§ 30867. Bond for Noncompliance**

The owner or keeper of the toll bridge or ferry shall furnish a bond in the sum fixed by the board of supervisors and conditioned that the toll bridge or toll ferry will be kept in good repair and condition, and that the keeper will faithfully comply with the laws of the state and all legal orders of the board of supervisors regulating it, and pay all damages recovered against the owner or keeper by any person injured or damaged by reason of delay at or defect in the bridge or ferry, or in any manner resulting from non-compliance with the laws or lawful orders regulating it. The bond shall be approved by the chairman and filed with the clerk of the board of supervisors.

(Amended by Stats. 1982)

#### **§ 30868. Payment of License Fee**

The license tax for a toll ferry or toll bridge connecting two counties shall be paid to the treasurer of the county granting it, and the license issued by the auditor thereof. The treasurer of such county

shall pay to the treasury of the county in which the other end or landing of the bridge or ferry is located, one-half the sum so received annually, or the auditor may issue the license on filing with him receipts for their respective halves of the tax taken from the treasurer of the two counties.

(Added by Stats. 1947)

#### **§ 30869. Disqualification of Supervisor**

A supervisor who is interested in an application to erect, construct, or take tolls, or alter tolls on a bridge or ferry shall not act in any such matter.

(Added by Stats. 1947)

#### **§ 30870. Posting Toll Rates**

Every licensed toll bridge or toll ferry shall have the rates of toll as fixed by the board of supervisors, printed or written, posted up in some conspicuous place on or near the bridge or ferry.

(Added by Stats. 1947)

#### **§ 30871. Use of License Tax**

The proceeds of the license tax on ferries and toll bridges shall be paid into the county treasury for the use of roads and highways, or may be used by the board of supervisors at any time in the purchase of toll roads and toll bridges.

(Added by Stats. 1947)

#### **§ 30872. Grading Stream Banks**

All ferry and toll bridge keepers shall keep the banks of the streams or waters at the landings of their ferries or bridges graded and in good order for the passage of vehicles. For every day compliance herewith is neglected twenty-five dollars (\$25) is forfeited, to be collected for the use of the road fund of the county.

(Added by Stats. 1947)

#### **§ 30873. Use of Penalties Collected**

Any penalty recovered for any violation of the rights or obligations of the toll bridges or toll ferries described in this article shall be paid to the county treasury for the use of the general road fund of the county.

(Added by Stats. 1947)

### **ARTICLE 3.5**

#### **Toll Bridge Revenues**

#### **§ 30880. Legislative Intent**

It is the intent of the Legislature that toll bridge revenues be used to further the development of public transportation systems in the vicinity of toll bridges in order to alleviate automobile-related

congestion and pollution and to diminish the need for state expenditures on new bridge facilities.  
(Added by Stats. 1975)

**§ 30882. “Commission”**

“Commission” means the Metropolitan Transportation Commission.  
(Added by Stats. 1975)

**§ 30883. “Department”**

“Department” means the Department of Transportation.  
(Added by Stats. 1975)

**§ 30884. “Net Revenues”**

“Net revenues” means those revenues of a toll bridge that are in excess of the amount required (a) to pay necessary costs of operation, rehabilitation, and necessary safety improvements, (b) to meet the obligations assumed by the California Transportation Commission under any bond resolution applicable to the toll bridge, and (c) to repay any advances made to the department from any other source for studies and work preliminary to the financing of any toll bridge project.  
(Amended by Stats. 1982)

**§ 30885. “Toll Bridge”**

“Toll bridge” means any bridge under the jurisdiction of the California Transportation Commission, including the approaches to the toll bridge from the nearest highway that is not for the exclusive use of toll bridge traffic, and located within the region under the jurisdiction of the commission.  
(Amended by Stats. 1982)

**§ 30886. Toll Schedule**

Upon securing the required consent of the holders of outstanding bonds on the toll bridge, and of the federal government where necessary, the Metropolitan Transportation Commission may adopt a toll schedule in lieu of the one adopted by the California Transportation Commission for a toll bridge located within the region under its jurisdiction and allocate the net revenues therefrom pursuant to this article.

(Amended by Stats. 1982)

**§ 30887. Public Hearing**

The Metropolitan Transportation Commission shall adopt a toll schedule only after (a) it has held public hearings within the region under its jurisdiction and (b) the California Transportation Commission has approved the proposed toll schedule.

However, the California Transportation Commission may increase the toll rates specified in the adopted toll schedule if this is necessary in order to enable the California Transportation Commission to meet its obligations under any bond resolution.

(Amended by Stats. 1982)

**§ 30888. Approval by California Transportation Commission**



The California Transportation Commission shall expeditiously approve the toll schedule proposed by the Metropolitan Transportation Commission, unless the California Transportation Commission finds and determines that the proposed toll schedule will result in either of the following:

(a) Will not generate sufficient revenues (1) to pay required costs of operation, rehabilitation, and necessary safety improvements, (2) to meet the obligations assumed by the California Transportation Commission under any bond resolution applicable to the toll bridge, and (3) to repay any advances made to the department from any source for studies and work preliminary to the financing of any toll bridge project.

(b) Will adversely affect any state interest, including, but not limited to, the safe and efficient movement of traffic and the collection of tolls.

(Amended by Stats. 1982)

### **§ 30889. Criteria for Setting Tolls**

The commission, in establishing toll charges for toll bridges, shall give consideration to the cost of operating toll bridges, the tolls on which are pledged as security for bonds issued and outstanding. The cost of operation shall include the cost of insurance, the amount required annually to meet the redemption of bonds issued and outstanding from which tolls are pledged as security, and the interest payments of the bonds issued and outstanding as they fall due for any particular toll bridge.

The commission shall also establish tolls in order to generate net revenues to be used exclusively for transit capital improvements. The net revenues may not exceed the average annual financial commitment made toward transit capital improvements from toll revenues, as audited, during the 1977-78 and 1978-79 fiscal years, but may be adjusted annually according to the appropriate inflationary index. In adopting a toll schedule for a toll bridge, the commission may also seek to (a) decrease traffic flow on the bridge, (b) change peak traffic characteristics to achieve more efficient utilization of the bridge, and (c) change traffic network patterns.

(Amended by Stats. 1981)

### **§ 30889.3 Implementation of HOV's**

(a) Notwithstanding any other provision of law, the Metropolitan Transportation Commission shall adopt, for implementation not later than June 30, 1991, a reduced-rate schedule of tolls for class I vehicles occupied by three or more persons, including the driver, and for buses crossing the Carquinez and Martinez-Benicia Bridges. The reduced-rate toll for those vehicles shall be determined by the Metropolitan Transportation Commission in cooperation with the Department of Transportation, and may consist of daily tolls or an annual payment in lieu of daily tolls. The reduced-rate toll schedule adopted by the Metropolitan Transportation Commission shall be approved by the California Transportation Commission in accordance with Section 30888.

(b) Notwithstanding subdivision (a), tolls on the bridges shall be maintained at rates sufficient to meet any obligation to the holders of bonds secured by the bridge toll revenues, as set forth in any bond resolution in effect on January 1, 1991, or covenants contained in bonds issued pursuant to the bond resolution, and the California Transportation Commission shall revise or eliminate the reduced-rate toll schedule adopted pursuant to subdivision (a) as necessary to ensure compliance with those obligations.

(Added by Stats. 1990)

### **§ 30890. Toll Bridge Revenues Account**

At least once each quarter, the department shall deposit the net revenues in the Toll Bridge Revenues Account, which is hereby created, in the State Transportation Fund.

The funds in the account are hereby continuously appropriated to the Controller, who shall, after

deductions for administrative cost incurred pursuant to this section, allocate, at least quarterly, the remaining funds to the commission.

(Added by Stats. 1975)

#### **§ 30891. Administration Cost**

The commission may retain, for its cost in administering this article, an amount not to exceed one-quarter of 1 percent of the net revenues allocated by it pursuant to Section 30892 and of the net revenues allocated by it pursuant to subdivision (b) of Sections 30913 and 30914 and paragraph (4) of subdivision (a) of Section 30914.

(Amended by Stats. 1989)

#### **§ 30892. Allocation of Funds to Public Entities**

After deduction for its administrative cost, the commission shall allocate the remaining funds to public entities operating public transportation systems and to the department to achieve the commission's capital planning objectives in the vicinity of toll bridges as set forth in its adopted regional transportation plan. Such objectives shall include, but not be limited, to:

- (a) Transbridge corridor trunk transit services.
- (b) Feeder service to transbridge trunk transit services.
- (c) Bridge traffic control devices required to establish exclusive lanes for transit services.
- (d) Transbridge terminal facilities.
- (e) Transbridge corridor guideway facilities.
- (f) Improvement of alternate public transportation facilities and routings which affect bridge traffic.

(Added by Stats. 1975)

#### **§ 30893. Establishment and Operation of Ferry Systems**

The commission may also allocate the funds to public entities and the department for the establishment and operation of ferry systems within the region under the jurisdiction of the commission.

(Added by Stats. 1975)

#### **§ 30894. Application Procedure**

The commission shall adopt and distribute procedures for the submission of applications for funding and allocation of funds. Only those applications for projects which will implement the commission's capital planning objectives in the vicinity of toll bridges as set forth in its adopted regional transportation plan, or the commission's objectives with respect to ferry systems, shall be approved.

(Added by Stats. 1975)

#### **§ 30895. Report to Legislature**

Annually, prior to the allocation of net revenues, the commission shall prepare and submit to the Legislature a report on the capital planning and ferry system objectives of the commission to be achieved through the allocation of such revenues.

(Added by Stats. 1975)

#### **§ 30896. Antioch and Dumbarton Bridges**

Nothing in this article shall be construed to prohibit the construction of a new Antioch Bridge pursuant to Section 30762 or of a new Dumbarton Bridge pursuant to Section 30792.2, and the pledge and use of the revenues of other toll bridges in connection with the issuance of revenue bonds to finance such construction if authorized by other provisions of law.

In such a case, the department shall finance the construction of a new Antioch Bridge or a new Dumbarton Bridge, or both, as the case may be, in such a manner so as to maximize the amount of net revenues for deposit in the Toll Bridge Revenues Account in the State Transportation Fund.

(Added by Stats. 1975)

## **ARTICLE 4**

### **Toll Ferries in Cities**

#### **§ 30900. Toll Ferries Authorized**

Notwithstanding any other provision of this code, the legislative body of a city may grant upon such terms, limitations, conditions, and restrictions and under such supervision as in its judgment are necessary and proper, franchises, privileges, or licenses for the construction, maintenance, and operation of toll ferries and for the taking and keeping of tolls from such ferries when the following conditions exist:

(a) The toll ferry is operated wholly within the boundaries of such city.

(b) None of the route or routes of such toll ferry constitute a part or an extension of a state highway or a state highway route.

(c) No part of the route or routes of the toll ferry for which a franchise, privilege or license is being processed is within 10 miles of a toll bridge in operation or under construction over any body of water across which said toll ferry is to operate.

(d) The director finds that no toll bridge is planned or contemplated in a location where such ferry would compete with it. Failure of the director to make a finding and advise the legislative body of the city of such finding in writing within 30 days after being advised in writing by the legislative body of a city that it is considering granting a franchise, privilege, or license to operate a toll ferry that such a toll bridge is planned or contemplated shall be deemed a finding that no such toll bridge is planned or contemplated.

(Added by Stats. 1963)

#### **§ 30901. Fees**

In granting any such franchise, privilege, or license, the legislative body may require the grantee thereof to pay an annual fee either in a flat amount or a percentage of the gross receipts derived from the operation of such toll ferry.

(Added by Stats. 1963)

#### **§ 30902. Certificate of Public Convenience and Necessity from Public Utilities Commission**

The provisions of this article do not relieve the operator of a toll ferry from obtaining and maintaining a current and valid certificate of public convenience and necessity from the Public Utilities Commission when such certificate is otherwise required.

(Added by Stats. 1963)

## CHAPTER 4

### San Francisco Bay Area Bridges

#### § 30910. Classification

(a) For purposes of this chapter, the state-owned toll bridges in the region under the jurisdiction of the Metropolitan Transportation Commission are classified as being in the northern bridge unit or the southern bridge unit.

(b) The northern bridge unit is comprised of the following bridges, which shall be operated and financed as a single unit:

- (1) Antioch Bridge.
- (2) Benicia-Martinez Bridge.
- (3) Carquinez Bridges
- (4) Richmond-San Rafael Bridge.

(c) The southern bridge unit is comprised of the following bridges, which shall be operated and financed as a single unit:

- (1) Dumbarton Bridge
- (2) San Mateo-Hayward Bridge.
- (3) San Francisco-Oakland Bay Bridge.

(Added by Stats. 1988)

#### § 30911. Deposit of Revenues

(a) Existing accounts used to record toll bridge revenues and expenditures of the northern bridge unit shall be designated as subaccounts within the San Francisco Bay Bridges-Northern Unit Account, which is hereby created in the State Transportation Fund.

(b) Existing accounts used to record toll bridge revenues and expenditures of the southern bridge unit shall be designated as subaccounts within the San Francisco Bay Bridges-Southern Unit Account, which is hereby created in the State Transportation Fund.

(c) Revenues in each of the accounts created by this section shall be kept segregated and set apart from other funds.

(d) (1) After the requirements of any bond resolution of the California Transportation Commission for any outstanding revenue bonds have been met, the department shall transfer, at least quarterly, the revenues defined in subdivision (b) of Sections 30913 and 30914, and paragraph (4) of subdivision (a) of Section 30914, to the Toll Bridge Revenues Account in the State Transportation Fund. The funds transferred are hereby continuously appropriated to the Controller, who shall maintain a separate account for the revenues transferred pursuant to each of the subdivisions specified in this subdivision. At least quarterly, after deductions for administrative costs, the Controller shall, subject to the terms and conditions of a bond resolution or indenture adopted or authorized by the commission and approved by the Metropolitan Transportation Commission pursuant to Section 30920, disburse any such funds available to the Metropolitan Transportation Commission which shall expend them for the purposes specified in subdivision (b) of Section 30913 or 30914, or paragraph (4) of subdivision (a) of Section 30914.

(2) For purposes of paragraph (1), the revenues defined in subdivision (b) of Sections 30913 and 30914 and paragraph (4) of subdivision (a) of Section 30914 include all revenues accruing since January 1, 1989.

(Amended by Stats. 1989)

#### § 30912. Authorized Uses of Revenues

(a) Revenue derived from tolls on all bridges in a bridge unit may be expended on any bridge and its approaches in that unit for any of the following purposes:

(1) Safety and operational costs, including toll collection and insurance.

(2) Costs of bridge construction and improvement projects specified in Sections 30913 and 30914, including debt service and sinking fund payments on bonds to be issued by the California Transportation Commission for those projects. The repayment of any advances from other state funds may be made from the toll revenue or bond proceeds. No additional bonds secured by the revenues of any bridge specified in Section 30910 shall be issued without the further approval of the Legislature, except to finance, in whole or in part, the projects authorized by this chapter or to refund bonds issued to finance those projects, if, in the opinion of the California Transportation Commission, a savings in interest costs can be achieved by such refunding.

(b) However, the revenue derived from the toll increase authorized by Sections 30916 and 30917 for Class I vehicles on the San Francisco-Oakland Bay Bridge shall be used, to the extent specified in paragraph (4) of subdivision (a) of Section 30914, for the construction of rail extensions specified in Section 30914 or for payment of the principal of, and interest on, bonds issued for those projects, including payments into a sinking fund maintained for that purpose.

(c) Maintenance of the bridges specified in Section 30910 shall be funded in accordance with procedures for funding maintenance of the southern bridge unit during the 1986-87 fiscal year.

(Amended by Stats. 1989)

### **§ 30913. Northern Unit - Project Construction Authorized**

(a) In addition to any other authorized expenditure of toll bridge revenues, the following major projects may be funded from toll revenues of all bridges in the northern bridge unit:

(1) Benicia-Martinez Bridge: Widening of the existing bridge.

(2) Benicia-Martinez Bridge: Construction of an additional span parallel to the existing bridge.

(3) Carquinez Bridge: Replacement of the existing western span.

(4) Richmond-San Rafael Bridge: Major rehabilitation of the bridge, and development of a new easterly approach between the toll plaza and Route 80, near Pinole.

(b) Notwithstanding Section 30895.5, up to 3 percent of the revenues derived from the toll increase authorized by Section 30916 and 30917 on all bridges in the northern bridge unit may be allocated by the Metropolitan Transportation Commission for transportation projects, other than those specified in Sections 30912, 30913, and 30914, which are designed to reduce vehicular traffic congestion on any bridge in that group, including, but not limited to, bicycle facilities and the planning, construction, operation, and acquisition of rapid water transit systems. An additional 2 percent of the revenues derived from the toll increase authorized by Sections 30916 and 30917 shall be allocated by the Metropolitan Transportation Commission and expended solely for the planning, construction, operation, and acquisition of rapid water transit system. The plans for the projects may also be funded by these moneys. This section does not authorize any allocation of funds for any transit project which is inconsistent with or which violates the terms of any bond resolution of the California Transportation Commission pursuant to which bonds are outstanding on the effective date of the act amending this section at the 1989-90 Regular Session.

(c) The department shall not include, in the plans for the new Benicia-Martinez Bridge, toll plazas, highways, or other facilities leading to or from the Benicia-Martinez Bridge, any construction which would result in the net loss of any wetland acreage.

(d) With respect to the Benicia-Martinez and Carquinez bridges, the department shall consider the potential for rail transit as part of the plans for the new structures specified in paragraphs (2) and (3) of subdivision (a).

(e) At the time the first of the new bridges specified in paragraphs (2) and (3) of subdivision (a) is opened to the public, there shall be a lane for the exclusive use of pedestrians and bicycles available on at least, but not limited to, the original span at Benicia or Carquinez, or the additional or replacement spans planned for those bridges. The design of these bridges shall not preclude the subsequent addition of a lane for the exclusive use of pedestrians and bicycles.

(Amended by Stats. 1997)

#### **§ 30914. Southern Unit - Projects Authorized**

(a) In addition to any other authorized expenditures of toll bridge revenues, the following major projects may be funded from toll revenues of all bridges in the southern bridge unit:

(1) Dumbarton Bridge: Improvement of the western approaches from Route 101 if affected local governments are involved in the planning.

(2) San Mateo-Hayward Bridge and approaches: Widening of the bridge to six lanes, construction of rail transit capital improvements on the bridge structure, and improvements to the Route 92/Route 880 interchange.

(3) Construction of West Grand connector or an alternate project designed to provide comparable benefit by reducing vehicular traffic congestion on the eastern approaches to the San Francisco-Oakland Bay Bridge. Affected local governments shall be involved in the planning.

(4) Not less than 90 percent of the revenues derived from the toll increase for Class I vehicles on the San Francisco-Oakland Bay Bridge authorized by Sections 30916 and 30917 shall be used exclusively for rail transit capital improvements designed to reduce vehicular traffic congestion on that bridge.

(b) Notwithstanding Section 30895.5, up to 3 percent of the revenues derived from the toll increase authorized by Sections 30916 and 30917 on all bridges in the southern bridge unit may be allocated by the Metropolitan Transportation Commission for transportation projects, other than those specified in Sections 30912, 30913, and 30914, which are designed to reduce vehicular traffic congestion on any bridge in that group, including, but not limited to, bicycle facilities and for the planning, construction, operation, and acquisition of rapid water transit systems. An additional 2 percent of the revenues derived from the toll increase authorized by Sections 30916 and 30917 shall be allocated by the Metropolitan Transportation Commission and expended solely for the planning, construction, operation, and acquisition of rapid water transit system. The plans for the projects may also be funded by these moneys. This section does not authorize any allocation of funds for any transit project which is inconsistent with or which violates the terms of any bond resolution of the California Transportation Commission pursuant to which bonds are outstanding on the effective date of the act amending this section at the 1989-90 Regular Session.

(c) The department shall report to the Legislature on the structural feasibility of incorporating rail transit on the San Mateo-Hayward Bridge during the preliminary design phase for widening that bridge.

(Amended by Stats. 1997)

#### **§ 30915. Alternative Fund Sources**

With respect to all construction and improvement projects specified in Sections 30913 and 30914, the department shall seek funding from all other potential sources, including, but not limited to, the State Highway Account and federal matching funds.

(Added by Stats. 1988)

#### **§ 30916. Toll Schedules - Rate Increases and Limitations**

(a) Not later than 60 days after the effective date of the, amendments made to this section by

Senate Bill 47 of the 1997-98 Regular Session, tolls on state-owned toll bridges within the jurisdiction of the Metropolitan Transportation Commission are as follows:

Number of Axles	Toll
Two axles	\$ 1.00
Three axles	3.00
Four axles	5.25
Five axles	8.25
Six axles	9.00
Seven axles & more	10.50

(b) Nothing in this section shall be construed to prohibit the adoption of either a discounted commute rate for two-axle vehicles or of special provisions for high-occupancy vehicles under terms and conditions prescribed by the California Transportation Commission.

(Amended by Stats. 1997)

### **§ 30917. Special Election**

(a) The tolls on any of the bridges specified in Section 30910 shall not be increased prior to the availability of the results of a special election to be held in the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano to determine whether the residents of those counties approve a uniform toll of one dollar (\$1) for Class I vehicles. The revenue derived from the toll increase shall be used to finance capital outlay for bridge construction and major bridge improvement projects as is fiscally practicable. Not less than 90 percent of the increase in revenue derived only from the Class I vehicles on the San Francisco-Oakland Bay Bridge shall be used to finance rail extensions and improvement projects designed to reduce vehicular traffic congestion on that bridge and its approaches, as specified in Section 30914.

(b) Notwithstanding any provision of the Elections Code, the board of supervisors of each of the counties and the city and county specified in subdivision (a) shall call a special election to be conducted in each of those counties and the city and county, which shall be consolidated with the November 8, 1988, general election. The following question shall be presented to the voters of each of the counties as Regional Measure 1, to be stated in the ballot separately from state and local measures:

“Shall the California Transportation Commission and the Metropolitan Transportation Commission be authorized to undertake a revenue bond program to finance major bridge improvements, the construction of new bridges, and mass transit extensions designed to reduce bridge traffic in the bay area, to be financed by bridge tolls which shall not exceed one dollar (\$1) for passenger vehicles?”

(c) The results of the special election shall be reported by the county clerks to the California Transportation Commission and the Metropolitan Transportation Commission. If a majority of all of the voters voting on the question at the special election vote affirmatively, the California Transportation Commission shall adopt the toll schedule proposed by the Metropolitan Transportation Commission which shall become effective January 1, 1989.

(d) If a majority of all of the voters voting on the question at the special election vote negatively, this chapter shall be repealed on the day following the day on which the election results are certified.

(e) Except as provided in Section 30918, the toll rates contained in a toll schedule adopted by the California Transportation Commission pursuant to this section shall not be changed without further authorization by the Legislature.

(Amended by Stats. 1989)

### **§ 30918. Toll Increases to Meet Debt Service Authorized**

(a) It is the intention of the Legislature to maintain tolls on all of the bridges specified in Section 30910 at rates sufficient to meet any obligation to the holders of bonds secured by the bridge toll revenues. The California Transportation Commission shall retain authority to set the toll schedule only as may be necessary to meet those bond obligations.

(b) Nothing in this chapter shall be construed to prevent the California Transportation Commission from complying with the provisions of any bond resolution in effect on July 1, 1988.

(Added by Stat. 1988)

### **§ 30919. Revenue Allocations**

(a) Consistent with its adopted regional transportation plan, after the requirements for debt service on the outstanding revenue bonds have been met, the Metropolitan Transportation Commission shall allocate the revenues identified in subdivision (b) of Sections 30913 and 30914 to eligible public entities and to the department.

(b) The revenues expended pursuant to paragraph (4) of subdivision (a) of Section 30914 shall be expended on rail extension and improvement projects designed to reduce vehicular traffic congestion on the San Francisco-Oakland Bay Bridge. Seventy percent of the revenues shall be expended on rail extensions and improvement projects in the Counties of Alameda and Contra Costa, including, but not limited to, extending the regional rail system in the Concord-Antioch, Fremont-San Jose, and the Bayfair-Livermore rail transit corridors. The remaining 30 percent shall be expended on rail extensions and improvement projects in the City and County of San Francisco and the Counties of San Mateo and Santa Clara.

(c) The department shall update the "point of origin" study related to the Eastbay/Westbay origin of commute trips on the San Francisco-Oakland Bay Bridge and report its findings to the Legislature by January 1, 1990.

(Added by Stats. 1988)

### **§ 30920. Issuance of Revenue Bonds Authorized**

(a) The California Transportation Commission may, notwithstanding subdivision (c) of Section 30102.5, issue revenue bonds under the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000) of Division 17) to finance any or all of the projects specified in Sections 30913 and 30914 if the issuance of the bonds does not adversely affect the minimum amount of toll revenue proceeds designated in Sections 30913 and 30914 for rail extension and improvement projects and transit projects to reduce vehicular traffic. A determination of the California Transportation Commission that a specific project or projects shall have no adverse effect will be binding and conclusive in all respects.

(b) (1) The Metropolitan Transportation Commission may, notwithstanding subdivision (c) of Section 30102.5, request the California Transportation Commission to issue bonds to finance the rail extension and improvement projects specified in subdivision (b) of Section 30913 and in paragraph (4) of subdivision (a) of, and subdivision (b) of, Section 30914. The expenses of issuance of the bonds, including, but not limited to, fees of financial and other consultants, bond counsel, printing, and personnel costs, the cost of insurance, and all other costs required only to comply with the requirements of the resolution authorizing the issuance of those bonds, may be either paid from bond proceeds or from any revenues available to the Metropolitan Transportation Commission for that purpose.

(2) The Metropolitan Transportation Commission may, in its discretion, request the Controller to allocate all or a portion of the funds in the accounts described in subdivision (d) of



Section 30911 in accordance with, and subject to the terms and conditions of, a bond resolution or indenture adopted or authorized by the California Transportation Commission and approved by the Metropolitan Transportation Commission. The Metropolitan Transportation Commission, following a request to the Controller and approval of the bond resolution or indenture of the California Transportation Commission, shall be subject to the terms and conditions of the bond resolution or indenture and described in subdivision (d) of Section 30911 in a manner fully consistent with the terms and conditions of the bond resolution or indenture. The bonds may be issued pursuant to the California Toll Bridge Authority Act. The California Transportation Commission, upon the approval of the Metropolitan Transportation Commission, may request a loan from the Pooled Money Investment Account in accordance with, and subject to the terms and conditions of, Sections 16312 and 16313 of the Government Code.

(c) The California Transportation Commission shall authorize the issuance of bonds requested by the Metropolitan Transportation Commission pursuant to paragraph (1) of subdivision (b).

(Amended by Stats. 1989)

### **§ 30921. Traffic Engineering Studies**

(a) The department shall prepare, or cause to be prepared, a detailed traffic engineering study which evaluates the existing bridge and approach limits of the seven bridges specified in Section 30919. The study shall include an evaluation of the ability of these approaches to accommodate the carrying capacity of these bridges, including any planned lane additions identified by the department pursuant to Senate Resolution 46 of the 1985-86 Regular Session.

(b) As part of its plans for constructing a new bridge or bridge widening in the San Francisco Bay area, the department shall include an evaluation of whether there will be a balanced design between the bridge and its approaches as a result of the construction.

(c) The department shall transmit the results of its study to the Legislature by January 1, 1990, and, as part of that transmittal, shall include its recommendations for mitigating any problems identified as part of the study.

(Added by Stats. 1988)

## **CHAPTER 4.3.**

### **Metropolitan Transportation Commission**

#### **§ 30950. Authority**

For the purposes of this chapter and Chapter 4.5 (commencing with Section 31000), “the authority” is the Metropolitan Transportation Commission and the Bay Area Toll Authority, which is hereby created, and is the same as the Metropolitan Transportation Commission.

(Added by Stats. 1997)

#### **§ 30950.1. Annual Budget**

The authority shall adopt an annual budget.

(Added by Stats. 1997)

#### **§ 30950.2. Responsibilities**

The authority is responsible for the programming, administration, and allocation of all toll revenues, except revenues from the seismic retrofit surcharge, from state-owned toll bridges within the jurisdiction of the Metropolitan Transportation Commission.

(Added by Stats. 1997)

#### **§ 30950.3. Plan For Projects Completion**

(a) The authority, with the concurrence of the department, shall prepare and adopt a long-range plan for the completion of all projects identified in subdivisions (a), (c), and (d) of Section 30913 and in subdivision (a) of Section 30914. The plan shall be submitted to the Legislature on or before December 31, 1998.

(b) The authority shall not allocate any toll revenues for any capital improvement projects, except those projects included in the long-range plan required under subdivision (a) and those projects funded pursuant to Article 3.5 (commencing with Section 30880) of Chapter 3.

(c) The authority shall give first priority to projects and expenditures that are deemed necessary by the department to preserve and protect the bridge structures.

(Added by Stats. 1997)

#### **§ 30950.4. Transfer of Authority**

All authority of the commission as to the bridges described in Section 30910 is transferred to the authority, except as expressly provided in this chapter.

(Added by Stats. 1997)

#### **§ 30951. Control of Revenue**

Subject to the defeasance of all outstanding bonds issued by the commission pledging revenues for any of the bridges identified in Section 30910, control of all revenues from all of the bridges identified in Section 30910 shall be transferred to the authority for administration. The commission shall cooperate with the authority in providing for the defeasance of those outstanding bonds not later than April 1, 1998.

(Added by Stats. 1997)

### **§ 30952. Cooperative Agreement**

The department shall collect tolls, operate, maintain, and provide rehabilitation of all bridges described in Section 30910, including toll facilities, and be responsible for the design and construction of improvements on those bridges in accordance with programming and scheduling requirements adopted by the authority. The department and the authority shall enter into a cooperative agreement upon terms and conditions that they shall deem mutually agreeable, including, without limitation, provisions for the department to provide for the operation of the bridges and the planning, design, and construction of improvements to the bridges paid for by revenues from tolls collected.

(Added by Stats. 1997)

### **§ 30953. Toll Account**

(a) Except for the revenues from the seismic retrofit surcharge, toll revenues and all other income derived from bridges pursuant to Chapter 4 (commencing with Section 30910) shall be deposited in the Bay Area Toll Account, which is hereby created.

(b) On or before July 1, 1998, the department shall transfer to the Bay Area Toll Account all revenues and existing fund balances collected on or before that date on the bridges that are subject to Chapter 4 (commencing with Section 30910).

(Added by Stats. 1997)

### **§ 30956. Maintenance**

Maintenance of the bridges described in Section 30910 shall continue to be funded by the state in accordance with procedures for funding maintenance of these bridges during the 1986-87 fiscal year. The state, acting through the department, shall continue to pay for the maintenance of the bridges pursuant to Section 188.4.

(Added by Stats. 1997)

### **§ 30958. Authority Administration Cost**

After payments for debt service on outstanding bonds, and the costs for the operation and maintenance expenses set forth in Section 30952 are provided for, the authority may retain, for its cost in administering this article, an amount not to exceed 1 percent of the gross revenues collected from tolls annually on the bridges.

(Added by Stats. 1997)

### **§ 30960. Toll Bridge Revenue Bonds**

(a) The authority may issue both defeasance and future capital project bonds payable from the revenues of the tolls imposed on the bridges described in Section 30910. The bonds or commercial paper may be issued by the authority at any time, and from time to time, payable from the revenues from the tolls. The bonds or commercial paper shall be referred to as "toll bridge revenue bonds."

(b) The revenues from the tolls on the bridges described in Section 30910 shall be subject to a statutory lien in favor of the bondholders to secure all amounts due on the bonds and in favor of any provider of credit enhancement for the bonds to secure all amounts due to that provider with respect to those bonds, and the lien shall immediately attach to those toll revenues and be effective, binding, and enforceable against the authority, its successors, creditors, and all others asserting rights therein, irrespective of whether those parties have notice of the lien and without the need for any physical delivery, recordation, filing, or further act, and the toll revenues shall remain subject to that lien until

all bonds are paid in full or provision made therefor, and the bridges shall not become toll-free prior to that time.

(c) The liens on toll revenues created by this chapter shall be subject to expenditures for operation and maintenance of the bridges and to expenses related to the collection of tolls, unless those expenditures are otherwise provided for by statute.

(d) Interest on any bonds issued pursuant to this chapter shall at all times be free from state personal income tax and corporate income tax.

(e) The Treasurer shall serve as agent for sale of the bonds or commercial paper, or both, of the authority in accordance with Chapter 9 (commencing with Section 5700) of Division 6 of Title 1 of the Government Code and, in his or her discretion, may serve as trustee or fiscal agent for those bonds or commercial paper, or both.

(Added by Stats. 1997)

### **§ 30961. Bond Issuance**

Toll bridge revenue bonds shall be issued pursuant to a resolution adopted at any time, and from time to time, by the authority by a majority vote of all members of the authority.

(a) The authority may from time to time issue bonds in accordance with the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), for the purpose of constructing, improving, or equipping any of the bridges or for any of the purposes authorized by this chapter, Chapter 4 (commencing with Section 30910), or Chapter 4.5 (commencing with Section 31000). Operation of the bridges or any grouping or units thereof shall constitute an “enterprise” within the meaning of Section 54309 of the Government Code, and the authority shall constitute a “local agency” within the meaning of Section 54307 of the Government Code. Article 3 (commencing with Section 54380) of Chapter 6 of Part 1 of Division 2 of Title 5 of the Government Code shall not apply to the issuance and sale of bonds pursuant to this chapter. Instead, the authority shall authorize the issuance of bonds by resolution, and that resolution shall specify all of the following:

(1) The purposes for which the bonds are to be issued.

(2) The maximum principal amount of the bonds.

(3) The maximum term for the bonds or commercial paper.

(4) The maximum rate of interest to be payable upon the bonds or commercial paper.

That interest rate shall not exceed the maximum rate specified in Section 53531 of the Government Code. The rate may be either fixed or variable and shall be payable at the times and in the manner specified in the resolution.

(b) The authority shall keep full, complete, and separate accounts of each toll bridge and shall annually prepare balance sheets and income and profit and loss statements showing the financial condition of each toll bridge. On or before January 1, 1999, and each January 1 thereafter, the authority shall submit these statements to the Governor and the Legislature.

(Added by Stats. 1997)

### **§ 30962. Trust Fund Investment**

Any bonds or commercial paper issued pursuant to this chapter are a legal investment for all trust funds; for the funds of insurance companies, commercial and savings banks, and trust companies; and for state school funds. Whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, counties, school districts, or other districts within the state, those funds may be invested in the bonds issued pursuant to this chapter, and whenever bonds of cities, counties, school districts, or other districts within this state may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public money, the bonds issued pursuant to this chapter may be so used. The provisions of this chapter are in addition

to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

(Added by Stats. 1997)

### **§ 30963. State's Pledge**

(a) The State of California pledges and agrees with the holders of the bonds issued pursuant to this chapter, and with those parties who may enter into contracts with the authority pursuant to this chapter, that the state will not limit, alter, or restrict the rights hereby vested in the authority to finance the toll bridge improvements authorized by this chapter, Chapter 4 (commencing with Section 30910), or Chapter 4.5 (commencing with Section 31000). The State of California pledges and agrees not to impair the terms of any agreements made with the holders of bonds, and with the parties who may enter into contracts with the authority pursuant to this chapter, and pledges and agrees not to impair the rights or remedies of the holders of any revenue bonds or any parties until the bonds, together with interest, are fully paid and discharged and any contracts are fully performed on the part of the authority.

(b) Nothing in this section shall be deemed to pledge the full faith and credit of the State of California.

(c) The authority may include the pledges made pursuant to this section in its revenue bonds.

(Added by Stats. 1997)

## CHAPTER 4.5.

### Seismic Retrofit Surcharge

#### § 31000. Definitions

The following definitions apply for purposes of this chapter:

- (a) "Account" means the Toll Bridge Seismic Retrofit Account created pursuant to Section 188.10.
- (b) "Amenities" means any of the following:
  - (1) A cable suspension bridge.
  - (2) A bicycle facility.
  - (3) A transbay terminal.
- (c) "Authority" means the Bay Area Toll Authority.
- (d) "Bay area bridges" means the state-owned toll bridges in the region within the area of the jurisdiction of the Metropolitan Transportation Commission.
- (e) "Department" means the Department of Transportation.
- (f) "Seismic retrofit" means all work completed by the department on the bay area bridges relating to the planning, design, and construction of improvements to, or replacement of, those bridges for the purpose of withstanding seismic forces, including, but not limited to, any environmental or traffic mitigation necessary for that work.
- (g) "Surcharge" means the seismic retrofit surcharge imposed pursuant to Section 31010.  
(Added by Stats. 1997)

#### § 31010. Surcharge Amount

- (a) There is hereby imposed a seismic retrofit surcharge equal to one dollar (\$1) per vehicle for passage on the bay area bridges, except for vehicles that are authorized toll-free passage on these bridges.
- (b) This section shall remain in effect only until the date that the Secretary of State receives the notice required under subdivision(b) of Section 31050, or until January 1, 2008, whichever occurs first, and as of that date is repealed.  
(Added by Stats. 1997)

#### § 31015. Revenues Generated Limits

- (a) Revenues generated from the surcharge shall not exceed nine hundred seven million dollars (\$907,000,000), unless any of the following occurs:
  - (1) After completing 30 percent of the design, and after completion of a cost estimate by the department, the authority selects a design that costs more than the cost of a single tower cable suspension bridge selected by the department.
  - (2) The authority requests funding for the replacement or relocation of the transbay bus terminal in the City and County of San Francisco.
  - (3) The authority requests funding for a bicycle or pedestrian access that is to be added ~~to the new bridge~~ **either the new east span of the San Francisco-Oakland Bay Bridge or the retrofitted west span of that bridge, or both.**
- (b) If the authority does any of the things listed in paragraphs (1) to (3), inclusive, of subdivision (a), the local share of the project costs shall be increased by an amount equal to any additional costs that are incurred as a result of the authority's decision.
- (c) The department shall include the amenities requested by the authority only if sufficient funds generated by the seismic retrofit surcharge are made available to fully pay for those amenities.  
(Amended by Stats. 1998)

## **§ 31020. Revenues Account**

Revenue generated from the surcharge shall be deposited in the account.

(Added by Stats. 1997)

## **§ 31050. Dates of Sufficient Funds**

(a) The department shall determine the date when all of the following have occurred:

(1) Sufficient funds, not exceeding eight hundred twenty-seven million dollars (\$827,000,000), have been generated for the completion of seismic retrofit and the replacement of the San Francisco-Oakland Bay Bridge.

(2) Sufficient funds have been generated to pay for any costs added under Section 31015, not to exceed two years additional surcharge revenue beyond that in paragraph (1).

(b) The department shall notify the Secretary of State of the date determined under subdivision (a), immediately upon making that determination.

(c) The notice required under subdivision (b) shall state that it is being made pursuant to this section for the purposes of Section 31010.

(Added and Amended by Stats. 1997)

**Richmond-San Rafael Bridge  
Loan for Completion of Lower Deck Authorized**

**CHAPTER 159  
Statutes 1955**

An act providing funds for the completion of the lower level of the Richmond-San Rafael Bridge, and approaches to said bridge.

[Approved by Governor April 14, 1955. Filed with  
Secretary of State April 14, 1955]

**The people of the State of California do enact as follows:**

**SECTION 1.** The Director of Finance and the California Toll Bridge Authority are hereby authorized to enter into an agreement whereby the Director of Finance may invest, for the purposes set forth in this section, not to exceed the sum of six million dollars (\$6,000,000) from the State School Land Fund. The agreement herein authorized shall provide for the dates of making funds available to the California Toll Bridge Authority and the Department of Public Works, and the payment of interest, including the rate or rates. Such funds shall be available in accordance with the California Toll Bridge Authority Act for the acquisition of any necessary property for and construction of the lower level of the Richmond-San Rafael Bridge, including surfacing and completion thereof, and for improvements to approaches and the construction of such additional approaches as the California Toll Bridge Authority may determine necessary, and for additional toll collection facilities. Such work shall be performed by the Department of Public Works in the manner provided by the California Toll Bridge Authority Act. The amounts invested by the Director of Finance pursuant to this act, and the interest thereon, if not otherwise paid pursuant to said agreement, shall be repaid out of the first bonds hereafter issued which are secured by the revenues of the Richmond-San Rafael Bridge, and if such bonds are not hereafter issued at or prior to the time that all of the existing bonds secured by the revenues of said bridge are paid or redeemed, such funds shall be repaid from the tolls and revenues of the Richmond-San Rafael Bridge, and the California Toll Bridge Authority shall continue to fix and collect tolls on said bridge for the purpose of making such repayments.

**Chapter 10, sec. 49, Stats. 1983, First Extraordinary Session**

**Transfer of Richmond-San Rafael Bridge Loan to State Highway Account**

**SEC. 49.** (a) Notwithstanding any other provisions of law, on the operative date of this act, the Controller shall transfer from the State Highway Account in the State Transportation Fund to the unappropriated surplus of the General Fund an amount equal to the entire principal and interest on the loan created pursuant to Chapter 159 of the Statutes of 1955. (b) The California Transportation Commission shall establish and collect tolls on the Richmond-San Rafael Bridge at rates necessary to generate revenues to provide for repayment to the State Highway Account of the amount transferred pursuant to subdivision (a) or may authorize the issuance of new bonds secured by the tolls and revenues of the bridge for payment of the amount transferred pursuant to subdivision (a).



# CONSENT OF CONGRESS TO CONSTRUCTION OF SAN FRANCISCO-OAKLAND BAY BRIDGE

(Public Law 695—71st Congress)

[S.5825]

## AN ACT

Granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the State of California to construct, maintain, and operate a bridge and approaches thereto across the Bay of San Francisco, at a point suitable to the interests of navigation, at or near the general site from Rincon Hill, in the city and county of San Francisco, to and across Goat Island, in San Francisco Bay, thence to Oakland, in the county of Alameda, in accordance with the provisions of an Act entitled “An Act to regulate the construction of bridges over navigable waters,” approved March 23, 1906, and subject to the conditions and limitations contained in this Act: Provided, That permission for such bridge to cross the Government reservation on Goat Island shall first be obtained from the Secretaries of War, Navy, and Commerce: Provided further, That if any buildings, improvements, or facilities on such government reservations are damaged or destroyed by the construction of said bridge they shall be repaired or replaced by the State of California on a site or sites acceptable to the respective head of the department having jurisdiction over the property involved.

(a) The State of California is hereby authorized to fix, charge, and collect tolls for the use of the bridge referred to in the first section of this Act, at rates so adjusted as (1) to provide a fund sufficient to pay the reasonable costs of maintaining, repairing, and operating such bridge and its approaches under economical management, (2) to pay the cost of such bridge and its approaches (including reasonable interest, financing, and refunding costs, and suitable reserves), and (3) to repay all sums advanced and required to be repaid under the laws of the State of California.

(b) The State of California is authorized to fix, charge, and collect tolls for the use of such bridge to pay the costs of engineering, planning, constructing, reconstructing, making alterations, additions, betterments, improvements, and extensions (including reasonable interest, financing, and refunding costs, and suitable reserves), and the costs of maintaining, repairing, and operating (1) not to exceed two additional highway crossings and one rail transit crossing across the Bay of San Francisco and their approaches, and (2) any public transportation system in the vicinity of any toll bridge in the San Francisco Bay Area. Such tolls may also be used to pay the cost of constructing new approaches to the Richmond-San Rafael Bridge in the San Francisco Bay Area. The State of California is also authorized to fix, charge, and collect tolls for the use of such additional highway crossing or highway crossings. An accurate record of the costs of such bridge, such highway crossing or highway crossings, such rail transit crossings, and their approaches, the expenditures for maintaining, repairing, and operating such bridge and such additional highway crossing or highway crossings and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. Nothing herein shall impair or limit the full power and authority of the State of California or any public body in such State to provide for the use of such rail transit crossing and the fixing, charging, and collection of fares and charges in connection with the transportation of goods or passengers by means of such rail transit crossing.

(Amended by P.L. 86-389, February 20, 1960)

# **CALIFORNIA VEHICLE CODE**

## **DIVISION 3, CHAPTER 1**

### **ORIGINAL AND RENEWAL REGISTRATION**

#### **ARTICLE 6.5**

##### **Refusal of Registration for Nonpayment of Toll Evasion Penalties**

###### **§ 4770. Authority of the Department of Motor Vehicles**

(a) Except as provided in subdivision (c), the department shall refuse to renew the registration of any vehicle if the registered owner or lessee has been mailed a notice of toll evasion violation, the processing agency has transmitted to the department an itemization of unpaid toll evasion penalties, including administrative fees, pursuant to Section 40267, and the toll evasion penalty and administrative fee have not been paid pursuant to Section 40266, unless the full amount of all outstanding toll evasion penalties and administrative fees, as shown by records of the department are paid to the department at the time of application for renewal.

(b) The designated processing agency shall issue a notice of disposition of toll evasion violation to a lessor, if the lessor provides the processing agency with the name, address, and driver's license number of the lessee at the time of the occurrence of the toll evasion violation.

(c) The department shall renew the registration of any vehicle if the applicant provides the department with the notice of disposition of toll evasion violation issued pursuant to subdivision (b) for clearing all outstanding toll evasion penalties and administrative fees, as shown by the records of the department, and the applicant has met all other requirements for registration.

(Added by Stats. 1995)

###### **§ 4771 Itemization of Unpaid Tolls**

The department shall include on each vehicle registration renewal notice issued for use at the time of renewal, or on an accompanying document, an itemization of unpaid toll evasion penalties, including administrative fees, showing the amount thereof, the jurisdiction that issued the notice of toll evasion violation, and the date of toll evasion relating thereto, which the registered owner or lessee is required to pay pursuant to Section 4770.

(Added by Stats. 1995)

###### **§ 4772 Disbursement of Collected Tolls**

(a) Except as provided in subdivision (b), the department shall remit all toll evasion penalties and administrative fees collected, after deducting the administrative fee authorized by Section 4773, for each notice of delinquent toll evasion violation for which toll evasion penalties and administrative fees have been collected pursuant to Section 4770, to each jurisdiction in the amounts due to each jurisdiction according to its unadjudicated notices of delinquent toll violation. Within 45 days from the time penalties are paid to the department, the department shall inform each jurisdiction which of its notices of delinquent toll evasion violation have been collected.

(b) This subdivision applies to facilities developed pursuant to Section 143 of the Streets and Highways Code. For each notice of delinquent toll evasion violation for which toll evasion penalties and administrative fees have been collected by the department pursuant to Section 4770, each issuing agency is due an amount equal to the sum of the unpaid toll, administrative fees, other costs

incurred by the issuing agency that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection. After deducting the department's administrative fee authorized by Section 4773 and the amounts due each issuing agency for unpaid tolls, administrative fees, other costs incurred by the issuing agency that are related to toll evasion, process service fees, and fees and collection costs related to civil debt collection, the department shall deposit the balance of the toll evasion penalties collected pursuant to Section 4770, if any, in the State Highway Account in the State Transportation Fund.

(Added by Stats. 1995)

### **§ 4773 Recording of Notice**

The department shall assess a fee for the recording of the notice of delinquent toll evasion violation, which is given to the department pursuant to Section 40267, in an amount, as determined by the department, that is sufficient to provide a total amount equal to at least its actual costs of administering Sections 4770, 4771, 4774, and 4775.

(Added by Stats. 1995)

### **§ 4773.5 Initial Cost**

(a) The department shall require the entire cost of initially implementing this article to be reimbursed by the issuing agencies that are private entities and by the local authorities described in Section 40250, on whose behalf toll processing procedures are carried out pursuant to Article 4 (commencing with Section 40250) of Chapter 1 of Division 17. For purposes of this section, the cost to the department of initially implementing this article includes all of the one-time costs that are incurred by the department in order to implement this article, but does not include ongoing administrative costs associated with this article. The issuing agencies and the local authorities shall each be required to reimburse the department for 50 percent of the reimbursable costs.

(b) (1) The amount collected pursuant to subdivision (a) shall be the actual cost.

(2) The amount of the reimbursement required by subdivision (a) for each issuing agency and local authority shall be determined by the department in as equitable a manner as possible. In the event of a dispute of the reimbursement required by subdivision (a), an issuing agency may request an audit of applicable costs by a certified public accountant or public accountant. The cost of the audit shall be borne by the issuing agency requesting the audit. The result of the audit shall determine the actual costs.

(c) The processing agency shall access the department's data base via "on-line" techniques or other methods as the department and the processing agency may agree.

(Added by Stats. 1995)

### **§ 4774 Registration Nonrenewal / Transfer of Vehicle Ownership**

Whenever a vehicle is transferred or not renewed for two renewal periods and the former registered owner or lessee of the vehicle owes a toll evasion penalty for a notice of delinquent toll evasion violation filed with the department pursuant to Section 40267, the department shall notify each jurisdiction of that fact and is not required thereafter to attempt collection of the undeposited toll evasion penalty and administrative fees.

(Added by Stats. 1995)

### **§ 4775 Nonexemption**

No exemption from the payment of any fee imposed by this code is an exemption from the obligation of a registered owner or lessee to pay the full amount of toll evasion penalties and admin-

istrative fees pursuant to Section 4770.

(Added by Stats. 1995)

## **DIVISION 11, CHAPTER 13**

### **VEHICULAR CROSSINGS AND TOLL HIGHWAYS**

#### **ARTICLE 1**

##### **General Provisions**

##### **§ 23250. Application of Chapter**

All of the provisions of this code not inconsistent with the provisions of this chapter shall be applicable to vehicular crossings and toll highways. This chapter shall control over any provision of this code inconsistent with this chapter.

(Stats. 1959)

(Amended by Stats. 1996)

##### **§ 23251. Authority of the California Highway Patrol**

(a) The Department of the California Highway Patrol shall provide for proper and adequate policing of all toll highways and all vehicular crossings to ensure the enforcement thereon of this code and of any other law relating to the use and operation of vehicles upon toll highways, highways or vehicular crossings, and of the rules and regulations of the Department of Transportation in respect thereto, and to cooperate with the Department of Transportation to the end that vehicular crossings be operated at all times in a manner as to carry traffic efficiently. The authority of the Department of the California Highway Patrol is exclusive except as to the authority conferred by law upon the Department of Transportation in respect to vehicular crossings.

(b) Notwithstanding subdivision (a), a private operator of a toll highway may make temporary arrangements, not to exceed 30 days, for traffic law enforcement services with an agency that employs peace officers as described in Section 830.1 of the Penal Code, if the Department of the California Highway Patrol cannot fulfill its responsibilities as described in this section, as determined by the Secretary of the Business, Transportation and Housing Agency.

(c) The services provided by the Department of the California Highway Patrol for all toll highways that are operated by a private entity shall be reimbursed pursuant to Section 30809.1 of the Streets and Highways Code. If the private operator of a toll highway and the Department of the California Highway Patrol reach an impasse in negotiating an agreement for reimbursement, the Secretary of the Business, Transportation and Housing Agency shall assist in resolving the impasse.

(Amended by Stats. 1992)

##### **§23252. Authority of Department of Transportation Personnel**

The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Transportation shall have the powers and authority of peace officers as listed in Section 830.4 of the Penal Code while so employed on any vehicular crossing or as may be necessary to the performance of their duties while not upon such vehicular crossing. Captains, lieutenants, and sergeants so employed shall wear, while on duty, a uniform which shall be distinctly different from that of the California Highway Patrol, to be specified by the Director of Transportation.

(Amended by Stats. 1974)

**§ 23253. Obedience to Officers**

All persons in, or upon, any toll highway or vehicular crossing shall at all times comply with any lawful order, signal, or direction by voice or hand of any member of the California Highway Patrol or an employee of the Department of Transportation who is a peace officer.

(Amended by Stats. 1992)

**§23254. Vehicular Crossing**

A “vehicular crossing” is any toll bridge or toll highway crossing and the approaches thereto, constructed or acquired by the Department of Transportation under the provisions of the California Toll Bridge Authority Act.

(Amended by Stats. 1975)

**§23255. Approach**

An “approach” is that portion of a state highway leading to or from a toll bridge or toll highway crossing which lies between one end of the bridge or crossing and the nearest intersection of a highway with the state highway. A ramp or other structure designed exclusively for use in connection with a toll bridge or toll highway crossing shall not be deemed an intersecting highway but is part of the approach.

(Added by Stats. 1955)

**ARTICLE 2**

**Towing on Vehicular Crossings**

**§ 23270. Unauthorized Towing; Maximum Towing Fee; Permits**

(a) No person shall commence to tow any vehicle or other object on any vehicular crossing unless authorized to do so by the Department of Transportation and unless the towing is done by means of a tow truck as defined in Section 615. No person, other than a member of the California Highway Patrol or an employee of the Department of Transportation, shall, by means of pushing with another vehicle, propel any vehicle or object on a vehicular crossing. No person, other than an employee of the Department of Transportation, shall, on any vehicular crossing, tow any vehicle or other object except a vehicle or object constructed and designed to be towed by a vehicle of a type similar to that being used for this purpose.

(b) The California Transportation Commission shall, by regulation, establish the maximum towing fee which may be charged by any person authorized to tow a vehicle pursuant to Subdivision (a). No authorized person shall charge a fee for towing a vehicle which is in excess of the maximum fee established by the California Transportation Commission.

(c) The Director of Transportation may grant a special permit to any person to tow any vehicle or object over and completely across any vehicular crossing when in his or her judgment the towing vehicle is so constructed and equipped that the vehicle or object can be towed across the vehicular crossing without endangering persons or property and without interrupting the orderly traffic across the vehicular crossing.

(d) The prohibitions of this section shall apply only on those vehicular crossings upon which

a towing service is maintained by the Department of Transportation.

(Amended by Stats. 1990)

#### **§ 23271. Towing Service**

A towing service may be maintained on each vehicular crossing by the Department of Transportation, and the department may furnish such service as is necessary to permit the orderly flow of traffic upon such crossing. The Department of Transportation may prescribe and collect reasonable rates for towing services furnished.

(Amended by Stats. 1974)

#### **§ 23272. Disposition of Towed Vehicles; Charges for Fuel**

When any vehicle or object on any vehicular crossing, upon which towing service is maintained, is stopped for any reason and is obstructing or may obstruct traffic, the vehicle or object shall be towed by the towing service either to the nearest property of the Department of Transportation designed for the parking or storing of vehicles, or to a suitable parking location on a public street or highway and thereupon left in the custody of the owner or operator of the vehicle or object, or his agent, or, if no owner, operator, or agent is present, or if an owner, operator, or agent so request, to a public garage or off-street parking facility. The department may prescribe the limits within which the towing service shall be operated.

Notwithstanding the foregoing provisions, the department may furnish and deliver fuel to vehicles, the supply of which is exhausted, or change tires, and may charge a reasonable sum for the services and materials furnished or, if the department deems it safe and advisable, and the owner or operator of the vehicle or object so requests, it may be towed from the vehicular crossing.

(Amended by Stats. 1983)

#### **§ 23273. Inapplicability of Tow Car Requirements**

Sections 25605, 25253, 27700, and 27907 do not apply to vehicles operated by the Department of Transportation pursuant to this article.

(Amended by Stats. 1974)

### **ARTICLE 3**

#### **Tolls and Other Charges**

#### **§ 23300. Signs**

The Department of Transportation shall erect appropriate signs at each entrance to a vehicular crossing to notify traffic that it is entering upon a vehicular crossing.

(Amended by Stats. 1974)

#### **§ 23301. Toll on Crossings**

Every vehicle which enters into or upon any vehicular crossing immediately becomes liable for such tolls and other charges as may from time to time be prescribed by the California Transportation Commission.

(Amended by Stats. 1974)

## **§ 23302. Evasion of Toll**

(a) It is unlawful for any person to refuse to pay tolls or other charges on any vehicular crossing or toll highway. It is prima facie evidence of a violation of this section for any person to enter upon any vehicular crossing without either lawful money of the United States in the person's immediate possession in an amount sufficient to pay the prescribed tolls or other charges due from that person or transponder or other electronic toll payment device associated with a valid Automatic Vehicle Identification account with a balance sufficient to pay those tolls.

(b) For vehicular crossings and toll highways that uses electronic toll collection as the only method of paying tolls or other charges, it is prima facie evidence of a violation of this section for any person to enter the vehicular crossing or toll highway without a transponder or other electronic toll payment device associated with a valid Automatic Vehicle Identification account with a balance sufficient to pay those tolls. If a transponder or other electronic toll payment device is used to pay tolls or other charges due, the device shall be located in, or on the vehicle in a location so as to be visible for the purpose of enforcement at all times when the vehicle is located on the vehicular crossing or toll highway. Where required by the operator of a vehicular crossing or toll highway, this requirement applies even if the operator offers free travel or nontoll accounts to certain classes of users.

(Amended by Stats. 1996)

## **§ 23302.5. Evasion Enforcement**

(a) No person shall evade or attempt to evade the payment of tolls or other charges on any vehicular crossing or toll highway.

(b) A violation of subdivision (a) is subject to civil penalties and is neither an infraction nor a public offense, as defined in Section 15 of the Penal Code. The enforcement of those civil penalties shall be governed by the civil administrative procedures set forth in Article 4 (commencing with Section 40250) of Chapter 1 of Division 17.

(Added by stats 1995)

## **§ 23303. Liens**

The Department of Transportation shall have a lien and may enforce such lien, as provided in Chapter 6.5 (commencing with Section 3067) of Title 14 of Part 4 of Division 3 of the Civil Code, for all tolls and charges provided by this chapter.

(Amended by Stats. 1974)

# **ARTICLE 4**

## **Special Traffic Regulations**

## **§ 23330. Animals, Vehicles, Bicycles, and Motorized Bicycles**

Except where a special permit has been obtained from the Department of Transportation under the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15, none of the following shall be permitted on any vehicular crossing:

- (a) Animals while being led or driven, even though tethered or harnessed.
- (b) Bicycles or motorized bicycles, unless the department by signs indicates that either bicycles or motorized bicycles, or both, are permitted upon all or any portion of the vehicular crossing.
- (c) Vehicles having a total width of vehicle or load exceeding 102 inches.
- (d) Vehicles carrying items prohibited by regulations promulgated by the Department of Transportation.

(Amended by Stats. 1978)

#### **§ 23331. Pedestrians**

Pedestrians shall not be permitted upon any vehicular crossing, unless unobstructed sidewalks of more than three feet in width are constructed and maintained and signs indicating that pedestrians are permitted are in place.

#### **§ 23332. Trespass Prohibited**

It is unlawful for any person to be upon any portion of a vehicular crossing which is not intended for public use without the permission of the Department of Transportation. This section does not apply to a person engaged in the operation, maintenance, or repair of a vehicular crossing or any facility thereon nor to any person attempting to effect a rescue.

(Amended by Stats. 1974)

#### **§ 23333. Stopping and Parking**

No vehicle shall stop, stand, or be parked in or upon any vehicular crossing except:

- (a) When necessary to avoid injury or damage to persons or property.
- (b) When necessary for the repair, maintenance or operation of a publicly owned toll bridge.
- (c) In compliance with the direction of a member of the California Highway Patrol or an employee of the Department of Transportation who is a peace officer or with the direction of a sign or signal.
- (d) In such places as may be designated by the Director of Transportation.

(Amended by Stats. 1974)

#### **§ 23334. Adoption of Traffic Rules**

The Department of Transportation may adopt rules and regulations not inconsistent with this chapter for the control of traffic on any vehicular crossing to aid and insure the safe and orderly flow of traffic, and shall, so far as practicable, notify the public of the rules and regulations by signs on the vehicular crossing.

(Amended by Stats. 1974)

#### **§ 23335. Publication of Traffic Rules**

The Department of Transportation shall cause to be published and made available to the public at the tollgates of each vehicular crossing copies of those traffic laws and rules and regulations particularly applicable thereto.

(Amended by Stats. 1974)

#### **§ 23336. Violation of Rules and Regulations**



It is unlawful to violate any rules or regulations adopted under Section 23334, notice of which has been given either by a sign on a vehicular crossing or by publication as provided in Section 23335.

(Added by Stats. 1959)

## **DIVISION 17, CHAPTER 1**

### **OFFENSES**

#### **ARTICLE 4**

##### **Procedure on Toll Evasion Violations**

##### **§ 40250. Parties Liabilities**

(a) Except where otherwise specifically provided, any violation of any statute, regulation, or ordinance governing the evasion of tolls on toll facilities under this code, under any federal or state statute or regulation, or under any ordinance enacted by local authorities including joint powers authorities, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code is subject to a civil penalty. The enforcement of those civil penalties shall be governed by the civil administrative procedures set forth in this article.

(b) Except as provided in Section 40264, the registered owners, driver, rentee, or lessee of a vehicle cited for any toll evasion violation of any toll facility, under any applicable statute, regulation, or ordinance shall be jointly and severally liable for toll evasion penalties imposed under this article, unless the owners can show that the vehicle was used without consent of that person, express or implied. Any person who pays any toll evasion penalty, civil judgment, costs, or administrative fees pursuant to this article shall have the right to recover the same from the driver, rentee, or lessee.

(c) The driver of a vehicle who is not the owner thereof but who uses or operates the vehicle with the express or implied permission of the owner shall be considered the agent of the owner to receive notices of toll evasion violations served in accordance with this article and may contest the notice of violation.

(d) If the driver of the vehicle is in violation of the laws, regulations, or ordinances governing toll evasion violations, and if the driver is arrested pursuant to Article 1 (commencing with Section 40300) of Chapter 2, this article does not apply.

(e) "Issuing agency" is any entity, public or private, authorized to collect tolls.

(Added by Stats. 1995)

##### **§ 40251. Deposit of Toll Evasion Penalties and Fees**

All toll evasion penalties collected by the processing agency, as defined in Section 40253, including all administrative fees, process service fees, and fees and collection costs related to civil debt collection, shall be deposited to the account of the issuing agency, except that those sums attributable to the issuance of a toll evasion violation by a member of the California Highway Patrol shall be deposited in accordance with Article 1 (commencing with Section 42200) of Chapter 2 of Division 18 in the city or county where the violation occurred. At the end of each fiscal year, the issuing agencies of facilities which have been developed pursuant to Section 143 of the Streets and Highways Code shall deposit in the State Highway Account in the State Transportation Fund any amounts collected under Section 40253 in excess of the sum of the unpaid toll, administrative fees, other costs incurred by the issuing agency that are related to toll evasion, process service fees, and

fees and collection costs related to civil debt collection.

(Added by Stats. 1995)

#### **§ 40252. Processing of Notices**

(a) An issuing agency may elect to contract with the state, the county, a local authority, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or with a private vendor, for the processing of notices of toll evasion violations and notices of delinquent toll evasion violations, prior to filing with the court pursuant to Section 40256.

(b) As used in this article, “toll evasion penalty” includes, but is not limited to, any late payment penalty, administrative fee, fine, assessment, and costs of collection as provided by law.

(Added by Stats. 1995)

#### **§ 40253. Processing Agencies**

If a contract is entered into pursuant to Section 40252, for the purpose of this article, “processing agency” means the party responsible for the processing of the notices of toll evasions and notices of delinquent toll evasions. Absent such contract, “processing agency” shall be synonymous with “issuing agency.”

(Added by Stats. 1995)

#### **§ 40254. Notice of Toll Evasion Violation, Timeliness, Contents**

(a) If a vehicle is found, by automated devices, by visual observation, or otherwise, to have evaded tolls on any toll road or toll bridge, and subdivision (d) of Section 40250 does not apply, an issuing agency or a processing agency, as the case may be, shall, within 21 days of the violation, forward to the registered owner a notice of toll evasion violation setting forth the violation, including reference to the section violated, the approximate time thereof, and the location where the violation occurred. The notice of toll evasion violation shall also set forth the following:

(1) The vehicle license plate number.

(2) If practicable, the registration expiration date and the make of the vehicle.

(3) A clear and concise explanation of the procedures for contesting the violation and appealing an adverse decision pursuant to Sections 40255 and 40256.

(b) Once the authorized person has notified the processing agency of a toll evasion violation, the processing agency shall prepare and forward the notice of violation to the registered owner of the vehicle cited for the violation. Any person, including the authorized person and any member of the person’s department or agency, or any peace officer who, with intent to prejudice, damage, or defraud, is found guilty of altering, concealing, modifying, nullifying, or destroying, or causing to be altered, concealed, modified, nullified, or destroyed, the face of the original or any copy of a notice that was retained by the authorized person before it is filed with the processing agency or with a person authorized to receive the deposit of the toll evasion violation is guilty of a misdemeanor.

(c) If, after a copy of the notice of toll evasion violation has been sent to the registered owner, the issuing person determines that, due to a failure of proof of apparent violation, the notice of toll evasion violation should be dismissed, the issuing agency may recommend, in writing, that the charges be dismissed. The recommendation shall cite the reasons for the recommendation and shall be filed with the processing agency.

(d) If the processing agency makes a finding that there are grounds for dismissal, the notice of toll evasion violation shall be canceled pursuant to Section 40255.

(e) Under no circumstances shall a personal relationship with any law enforcement officer, public official, law enforcement agency, processing agency or toll operating agency or entity be grounds for dismissal of the violation.

(Amended by Stats. 1996)

#### **§ 40255. Rights to Contest Notice, Administrative Procedure**

(a) Within 21 days from the issuance of the notice of toll evasion violation, or within 15 days from the mailing of the notice of delinquent toll evasion, whichever occurs later, a person may contest a notice of toll evasion violation or a notice of delinquent toll evasion. In that case, the processing agency shall do the following:

(1) The processing agency shall either investigate with its own records and staff or request that the issuing agency investigate the circumstances of the notice with respect to the contestant's written explanation of reasons for contesting the toll evasion violation. If, based upon the results of that investigation, the processing agency is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the processing agency shall cancel the notice of toll evasion violation and make an adequate record of the reasons for canceling the notice. The processing agency shall mail the results of the investigation to the person who contested the notice of toll evasion violation or the notice of delinquent toll evasion violation.

(2) If the person contesting a notice of toll evasion violation or notice of delinquent toll evasion violation is not satisfied with the results of the investigation provided for in paragraph (1), the person may, within 15 days of the mailing of the results of the investigation, deposit the amount of the toll evasion penalty and request an administrative review. After January 1, 1996, an administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding any time tolled pursuant to this article. The person requesting the hearing may request one continuance, not to exceed 21 calendar days.

(b) The administrative review procedure shall consist of the following:

(1) The person requesting an administrative review shall indicate to the processing agency his or her election for a review by mail or personal conference.

(2) If the person requesting an administrative review is a minor, that person shall be permitted to appear at an administrative review or admit responsibility for a toll evasion violation without the necessity of the appointment of a guardian. The processing agency may proceed against that person in the same manner as if that person were an adult.

(3) The administrative review shall be conducted before a reviewer designated to conduct the review by the issuing agency's governing body or chief executive officer. In the case of violations on facilities developed pursuant to Section 143 of the Streets and Highways Code, the processing agency shall contract with a public agency or a private entity that has no financial interest in the facility for the provision of administrative review services pursuant to this subdivision. The costs of those administrative review services shall be included in the administrative fees authorized by this article.

In addition to any other requirements of employment, a reviewer shall demonstrate those qualifications, training, and objectivity prescribed by the issuing agency's governing body or chief executive as are necessary and which are consistent with the duties and responsibilities set forth in this article.

The examiner's continued employment, performance evaluation, compensation, and benefits shall not be directly or indirectly linked to the amount of fines collected by the examiner.

(4) The officer or person authorized to issue a notice of toll evasion violation shall

not be required to participate in an administrative review. The issuing agency shall not be required to produce any evidence other than the notice of toll evasion violation or copy thereof, information received from the department identifying the registered owner of the vehicle, and a statement under penalty of perjury from the person reporting the violations. The documentation in proper form shall be considered prima facie evidence of the violation.

(5) The review shall be conducted in accordance with the written procedure established by the processing agency which shall ensure fair and impartial review of contested toll evasion violations. The agency's final decision may be delivered personally or by first-class mail.

(Added by Stats. 1995)

## **§ 40256. Appeals**

(a) Within 20 days after the mailing of the final decision described in subdivision (b) of Section 40255, the contestant may seek review by filing an appeal to the justice or municipal court, where the same shall be heard de novo, except that the contents of the processing agency's file in the case on appeal shall be received in evidence. A copy of the notice of toll evasion violation shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the processing agency by the contestant. For purposes of computing the 20-day period, Section 1013 of the Code of Civil Procedure shall be applicable.

(b) The fee for filing the notice of appeal shall be twenty-five dollars (\$25). If the appellant prevails, this fee, together with any deposit of toll evasion penalty, shall be promptly refunded by the processing agency in accordance with the judgment of the court.

(c) The conduct of the hearing on appeal under this section is a subordinate judicial duty which may be performed by commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

(d) If no notice of appeal of the processing agency's decision is filed within the period set forth in subdivision (a), the decision shall be deemed final.

(e) If the toll evasion penalty has not been deposited and the decision is adverse to the contestant, the processing agency may, promptly after the decision becomes final, proceed to collect the penalty under Section 40267.

(Added by Stats. 1995)

## **§ 40257. Accompanying Notice of Penalty, Contents, Payment by Mail**

The notice of toll evasion violation shall be accompanied by a written notice of the toll evasion penalty due for that violation and the address of the person authorized to receive a deposit of the toll evasion penalty, to whom payments may be sent, and a statement in bold print that payments of the toll evasion penalty for the toll evasion violation may be sent through the mail.

(Added by Stats. 1995)

## **§ 40258. Penalty Schedule**

(a) The schedule of toll evasion penalties for toll evasion violations shall be limited to one hundred dollars (\$100) for the first violation, two hundred fifty dollars (\$250) for a second violation within one year, and five hundred dollars (\$500) for each additional violation within one year.

(b) Toll evasion penalties under this article shall be collected as civil penalties.

(Added by Stats. 1995)

**§ 40259. Termination of Proceedings After Payment**

If the toll evasion penalty is received by the person authorized to receive the deposit of the toll evasion penalty and there is no contest as to that toll evasion violation, the proceedings under this article shall terminate.

(Added by Stats. 1995)

**§ 40260. Delivery of Notice of Delinquent Violation After Failure to Pay Penalty.**

(a) If the payment of the toll evasion penalty is not received by the person authorized to receive a deposit of the toll evasion penalty by the time and date fixed for appearance on the notice of toll evasion violation under Section 40254, the processing agency shall serve or mail to the registered owner a notice of delinquent toll evasion violation.

(b) Delivery of a notice of delinquent toll evasion violation under this section may be made by personal service or by first-class mail addressed to the registered owner.

(Added by Stats. 1995)

**§ 40261. Request for Photostatic Copy or Electronically produced Facsimile of Original Notice**

(a) Within 10 days from the mailing of a notice of delinquent toll evasion violation, any person or his or her agent, may request by mail or in person a photostatic copy or an electronically produced facsimile of the original notice of toll evasion violation. The issuing agency may charge a fee sufficient to recover the actual cost of providing the copy, not to exceed two dollars (\$2). Within 15 days of the request, the processing agency shall mail or otherwise provide the copy. Until the issuing agency complies with a request for a copy of the original notice of toll evasion violation, the processing agency may not proceed pursuant to subdivision (i) of Section 22651, or Section 22651.7 or 40267.

(b) If the description of the vehicle on the notice of toll evasion violation does not match the department's corresponding vehicle registration record, the processing agency may, on written request of the person, cancel the notice of toll evasion violation without the necessity of an appearance by that person.

(Added by Stats. 1995)

**§ 40262. Information Required in Notice of Delinquent Violation**

The notice of delinquent toll evasion violation shall contain the information specified in Section 40254 and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the toll evasion penalty or contests the notice within 15 days after mailing of the notice of delinquent toll evasion violation or completes and files an affidavit of nonliability which complies with Section 40263 or 40264, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent toll evasion violation. If the registered owner, by appearance or by mail, makes payment to the processing agency within 15 days of the mailing of the notice of delinquent toll evasion violation, the toll evasion penalty shall consist of the amount of the original penalty without any additional administrative fees or charges.

(Added by Stats. 1995)

### **§ 40262.5 Failure to Pay Penalty**

If the registered owner fails to pay the toll evasion penalty, as required in Section 40262, or fails to contest the violation, as provided in Section 40255, the registered owner shall be deemed liable for the violation by operation of law, and the toll evasion penalty and any administrative fees or charges shall be considered a debt due and owing the issuing agency by the registered owner.

(Added by Stats. 1995)

### **§ 40263. Affidavit of Nonliability**

The notice of delinquent toll evasion violation shall contain, or be accompanied with, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the issuing agency.

(Added by Stats. 1995)

### **§ 40264. Return of Affidavit, Rental Agreement or Lease**

If the affidavit of nonliability is returned to the agency within 30 days of the mailing of the notice of toll evasion violation together with the proof of a written rental agreement or lease between a bona fide renting or leasing company and its customer which identifies the rentee or lessee and provides the driver's license number, name, and address of the rentee or lessee, the processing agency shall serve or mail to the rentee or lessee identified in the affidavit of nonliability a notice of delinquent toll evasion violation. If payment is not received within 15 days of the mailing of the notice of delinquent toll evasion violation, the processing agency may proceed against the rentee or lessee pursuant to Section 40267.

(Added by Stats. 1995)

### **§ 40265. Return of Affidavit, Sale or Transfer of Vehicle**

(a) If the affidavit of nonliability is returned with evidence that the registered owner served has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation, the processing agency shall obtain verification from the department that the registered owner has complied with subdivision (b) of Section 5602.

(b) If the registered owner has complied with subdivision (b) of Section 5602, the processing agency shall cancel the notice of toll evasion violation with respect to the registered owner.

(c) If the registered owner has not complied with subdivision (b) of Section 5602, the processing agency shall inform the registered owner that the notice shall be paid in full or contested pursuant to Section 40255. If the registered owner does not comply, the processing agency shall proceed pursuant to Section 40267.

(Added by Stats. 1995)

### **§ 40266. Processing of Payment of Penalties**

(a) If the registered owner, or an agent of the registered owner, or a rentee or lessee who was served with the notice of delinquent toll evasion violation pursuant to Section 40260 or 40264, or any other person who presents the notice of toll evasion violation or notice of delinquent toll evasion

violation after the notice of delinquent toll evasion violation has been issued for delivery under Section 40260, deposits that toll evasion violation penalty with a person authorized to receive it, the processing agency shall do both of the following:

(1) Deliver a copy of the notice of delinquent toll evasion violation issued under Section 40260, or a listing of the notice information presented in a notice of delinquent toll evasion violation to the person and record the name, address, and driver's license number of the person actually given the copy in the records of the issuing agency. For the purposes of this paragraph, a copy of the notice of delinquent toll evasion violation may be a photostatic copy.

(2) Determine whether the notice of delinquent toll evasion violation has been filed with the department pursuant to subdivision (b) of Section 40267 or a civil judgment has been entered pursuant to Section 40267.

(b) If the notice of delinquent toll evasion violation has not been filed with the department or judgment entered and payment of the toll evasion penalty and any applicable assessments is received, the proceedings under this article shall terminate.

(c) If the notice of delinquent toll evasion violation has been filed with the department, has been returned to the processing agency pursuant to subdivision (b) or (c) of Section 4770 or pursuant to Section 4774, and payment of the toll evasion penalty together with the administrative service fee of the processing agency for costs of service and any applicable assessment is received, the proceedings under this article shall terminate.

(d) If the notice of delinquent toll evasion violation has been filed with the department and has not been returned to the processing agency pursuant to Section 4770, 4772, or 4774, and payment of the toll evasion penalty together with the administrative fee of the department established under Section 4773, and administrative service fee of the issuing agency for costs of service, and any applicable assessments is received by the processing agency, the processing agency shall do all of the following:

(1) Immediately transmit the payment information to the department in the manner prescribed by the department.

(2) Terminate proceedings on the notice of delinquent toll evasion violation.

(3) Transmit for deposit all toll evasion penalties and assessments in accordance with law.

(Added by Stats. 1995)

#### **§ 40267. Unpaid Toll Evasion Penalties, Collection Options**

Except as otherwise provided in Sections 40268 and 40269, the processing agency shall proceed under one or more of the following options to collect an unpaid toll evasion penalty:

(a) The processing agency may file an itemization of unpaid toll evasion penalties and administrative and service fees with the department for collection with the registration of the vehicle pursuant to Section 4770.

(b) If more than four hundred dollars (\$400) in unpaid penalties and fees have been accrued by any person or registered owner, the processing agency may file proof of that fact with the court with the same effect as a civil judgment. Execution may be levied and other measures may be taken for the collection of the judgment as are authorized for the collection of an unpaid civil judgment entered against a defendant in an action on a debtor. The court may assess costs against a judgment debtor to be paid upon satisfaction of the judgment. The processing agency shall send a notice by first-class mail to the person or registered owner indicating that a judgment shall be entered for the unpaid penalties, fees, and costs and that, after 30 days from the date of the mailing of the notice, the

judgment shall have the same effect as an entry of judgment against a judgment debtor. The person or registered owner shall also be notified at that time that execution may be levied against his or her assets, liens may be placed against his or her property, his or her wages may be garnished, and other steps may be taken to satisfy the judgment. The filing fee plus any costs of collection shall be added to the judgment amount.

Notwithstanding any other provision of law, the processing agency shall pay the established first paper civil filing fee, if required by law, at the time an entry of civil judgment is requested.

(c) If the registration of the vehicle has not been renewed for 60 days beyond the renewal date, and the notice has not been collected by the department pursuant to Section 4770, the processing agency may file proof of unpaid penalties and fees with the court with the same effect as a civil judgment as provided in subdivision (b), except that if the amount of the unpaid penalties and fees is not more than four hundred dollars (\$400), the filing fee shall be collectible by the court from the debtor.

(d) The issuing agency may contract with a collection agency to collect unpaid toll evasion penalties, fees, and charges.

(Added by Stats. 1995)

#### **§ 40268. Filing of Civil Judgment**

The processing agency shall not file a civil judgment with the court relating to a toll evasion violation which has been filed with the department unless the processing agency has determined that the registration of the vehicle has not been renewed for 60 days beyond the renewal date and the notice has not been collected by the department pursuant to Section 4770.

(Added by Stats. 1995)

#### **§ 40269. Termination of Proceedings by Processing Agency**

The processing agency shall terminate proceedings on the notice of delinquent toll evasion violation in any of the following cases:

(a) Upon receipt of collected penalties and administrative fees remitted by the department under Section 4772 for that notice of delinquent toll evasion violation. The termination under this subdivision is by satisfaction of the toll evasion penalty.

(b) If the notice of delinquent toll evasion violation was returned to the processing agency pursuant to Section 4774 and five years have elapsed since the date of the violation. The termination under this subdivision is by the running of a statute of limitation of proceedings.

(c) The processing agency receives information, which it shall verify with the department, that the penalty has been paid to the department pursuant to Section 4772.

(Added by Stats. 1995)

#### **§ 40270. Notice of Noncollection, Cancellation of Delinquency**

If the notice of delinquent toll evasion violation is filed with the department pursuant to subdivision (b) of Section 40267 and the department returns the notice of delinquent toll evasion violation by notice of noncollection pursuant to subdivision (b) of Section 4770 or Section 4774, the processing agency may cancel the notice of delinquent toll evasion violation.

(Added by Stats. 1995)



#### **§ 40271. Commencement of Civil Action**

The time limitation provided by law for commencement of a civil action for a violation specified in Section 40250 shall be tolled from and after the date a notice of delinquent toll evasion violation is filed with the department pursuant to subdivision (b) of Section 40267 until the notice is returned to the processing agency under subdivision (b) of Section 4770, or Section 4772 or 4774, or is recalled by the processing agency pursuant to subdivision (b) of Section 40255.

(Added by Stats. 1995)

#### **§ 40272. Civil Liability**

Notwithstanding any other provision of law, an imposition of civil liability for a violation of Section 23302.5 shall not be deemed a conviction of a driver, rentee, lessee, or registered owner and shall not be made part of the driving record of the person upon whom that liability is imposed, nor shall it be used for insurance purposes in connection with the provision of motor vehicle insurance coverage.

(Added by Stats. 1995)

#### **§ 40273. Confidentiality of Information Obtained from Automated Devices**

Any information obtained pursuant to this article through the use of automated devices shall not be used for any purpose other than to identify, and obtain the mailing address information of, toll evasion violators, to facilitate the serving of notices of toll evasion violations and notices of delinquent toll evasion violations.

(Added by Stats. 1995)

# **CALIFORNIA CODE OF REGULATIONS**

## **TITLE 21, DIVISION 2, CHAPTER 1**

### **TOLL BRIDGE FACILITIES**

#### **ARTICLE 1**

##### **Definitions and General Provisions Relating to the Use of Toll Facilities**

###### **§ 1401.1. Definitions**

The following definitions shall govern the construction of this subchapter:

- (a) "Department" shall mean the California Department of Transportation.
- (b) "Bridge" or "toll bridge" is a vehicular crossing defined by Section 23254 of the Vehicle Code.

(Ed. Corr. 1982)

###### **§ 1401.2. Prohibited Vehicles and Loads**

None of the following will be permitted to operate on any toll bridge under the jurisdiction of the Department:

- (a) Any vehicle transporting a weapon of war employing atomic fission or fusion.
- (b) Track laying vehicles.
- (c) Vehicles with metal tires. (Based on Section 22410 of the California Vehicle Code).
- (d) Pushcarts, wheelbarrows and similar vehicles.
- (e) Vehicles transporting hazardous materials or combinations thereof, if prohibited by United States Department of Transportation Regulations, as specified and defined in 49 Code of Federal Regulations sections 177.821-177.823, which regulations are incorporated herein by reference.
- (f) See Section 1402.1 for prohibitions on the San Francisco-Oakland Bay Bridge.
- (g) See Section 1403.1 for prohibition on the San Diego-Coronado Bridge.
- (h) Other vehicles which, due to their load or condition, are likely, in the opinion of the Department, to endanger persons or property or to render the use of the bridge unsafe.

(Amended by Stats. 1979)

###### **§ 1401.3. Vehicles of Excess Weight or Dimensions**

(a) Permits. All vehicles which do not comply with all height, weight, length, or width limitations set forth in the California Vehicle Code shall be allowed only by special permit issued in advance.

(b) Applications for Permits. Applications may be made as prescribed in Section 1411.2 of this Title.

(Ed. Corr. 1981)

###### **§ 1401.4. Evidence of Compliance**

The driver of any commercial vehicle crossing the bridge may be required to produce appropriate documents or otherwise establish that the vehicle and load under his control are not in violation of the regulations of this subchapter.

(Ed. Corr. 1982)

**§ 1401.5. Tire Changes and Repairs**

Vehicles having pneumatic tires which are flat shall not enter onto any toll bridge under the jurisdiction of the Department. Tire changes and repairs to tires or vehicles shall not be made on the bridge except when authorized by a member of the California Highway Patrol or by a uniformed employee of the Department and done in his presence.

(Ed. Corr. 1982)

**§ 1401.6. “U” Turns**

“U” turns shall be made only with the permission and under the direction of a member of the California Highway Patrol or a uniformed employee of the Department.

(Ed.Corr. 1982)

**ARTICLE 2**

**Special Regulations-San Francisco-Oakland Bay Bridge**

**§ 1402.1. Prohibited Loads and Vehicles**

In addition to those vehicles specified in Section 1401.2, the following will not be permitted on the San Francisco-Oakland Bay Bridge:

- (a) Class A and B Explosives.
- (b) Tank vehicles which are placarded “Flammable” under D. of T. Regulations, whether loaded or empty.

(Amended by Stats. 1979)

**ARTICLE 3**

**Special Regulations-San Diego-Coronado Bridge**

**§ 1403.1. Prohibited Loads and Vehicles**

In addition to those vehicles specified in Section 1401.2, the following will not be permitted on the San Diego-Coronado Bridge:

- (a) Class A and B Explosives.
- (b) Tank vehicles which are placarded “Flammable” under D. of T. regulations, whether loaded or empty.

(Stats. 1980)

## **ARTICLE 4**

### **Use on a Credit Basis of Toll Bridges Acquired or Constructed Under the Terms of the California Toll Bridge Authority Act**

#### **§ 1404.1. Permit**

A permit to use any such bridge on a credit basis shall obligate the permittee to make payment for all toll and service charges incurred during any calendar month within 10 days of the date of mailing of invoices.

(Ed. Corr. 1982)

#### **§ 1404.2. Application**

Prior to the granting of a permit for the use of any bridge on a credit basis, there shall be filed with, and approved by, the Department an application for permit, together with a cash deposit or corporate surety bond in the amount hereinafter specified.

(Ed. Corr. 1982)

#### **§ 1404.3. Credit Cards**

The granting of any such permit, with respect to the use of any toll crossing by employees or by particular vehicles of such permittee, shall be evidenced by credit cards to be issued for such period as may hereafter be determined.

(Ed. Corr. 1982)

#### **§ 1404.4. Forms**

The following forms have been prepared by the Department and shall be used by all applicants for, and holders of, credit permits:

- (a) Application for permit to use all State toll facilities pursuant to provisions of California Toll Bridge Authority Act on a credit basis.
- (b) Bond guaranteeing toll charges.
- (c) Permit to use all State toll facilities on a credit basis.
- (d) Credit cards.

(Ed. Corr. 1982)